THE

LEGISLATIVE ACTS

GOVERNOR GENERAL OF INDIA IN COUNCIL

OF 1876.



WITH TABLE OF CONTENTS AND INDEX

In Continuation of Acts from 1834 to the present time.

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The Publishers beg to apologise for the late appearance of this volume. They are indebted to C. D. Lonton, Esq., for the very elaborate Index attached.

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THE LEGISLATIVE ACTS

OF THE

GOVERNOR GENERAL OF INDIA IN COUNCIL,

1876.

ACT No. I.

THE INDIAN TELEGRAPH ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th January, 1876.)

An Act to amend the law relating to Telegraphs in India.

Preamble.

WHEREAS it is expedient to amend the law relating to Telegraphs in India; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Telegraph Act, 1876:"

Local extent.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty;

Commencement.

And it shall come into force at once.

Repeal of Acts.

2. Act No. XXXIV of 1854 *(for regulating the establishment and management of Electric Telegraphs in India)* and Act No. VIII

of 1860 *(for regulating the establishment and management of Electric Telegraphs in India)* are hereby repealed:

Saving of existing licenses and rules.

But all licenses granted, declarations made, and rules framed under either of the said Acts and now in force, shall be deemed to have been respectively granted, made, and framed under this Act.

Interpretation clause.

3. In this Act—

"Telegraph."

"Telegraph" means an electric or magnetic telegraph:

"Telegraph officer."

"Telegraph officer" means any person employed either permanently or temporarily in connection with a telegraph established or maintained and worked by the Government, or by a Company, or person licensed under this Act; and

"Message."

"Message" means any communication sent by telegraph, or given to a telegraph officer to be sent by telegraph, or to be delivered.

II.—Privileges and Powers of Government.

Exclusive privilege of establishing telegraphs.

4. Within British India, the Governor General in Council shall have the exclusive privilege of establishing lines of telegraph:

Proviso as to licenses.

Provided that the Governor General in Council may grant a license to any person or Company to establish or to maintain a line of telegraph within any part of British India, which license shall be revocable on the breach of any of the conditions therein contained.

Power to take possession of telegraphs established by license.

5. On the occurrence of any public emergency, or in the interest of the public safety, the Governor General in Council or the Local Government may take temporary possession of any line of telegraph established or maintained by any Company or person licensed under this Act, or may order that any message to or from any person or relating to any specified subject shall be intercepted or communicated to the Government or any officer thereof mentioned in such order.

If any doubt arises as to the existence of a public emergency or

whether any act done under this section was in the interest of the public safety, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive evidence on the point.

Power to establish telegraphs on land of Railway Company.

6. Any Railway Company, on being required so to do by the Governor General in Council, shall permit the Government to establish upon the land of such Company, whether within or without the railway fence as the Governor General in Council may in each case determine, a line of telegraph, and shall give every reasonable facility for establishing, maintaining, and using the same.

Power to frame rules for the conduct of Government telegraphs.

7. The Governor General in Council may, from time to time, frame rules consistent with this Act for the conduct of telegraphs heretofore or hereafter established by Government, and may therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted by such telegraphs.

Power to frame rules for telegraphs established by license.

8. The Governor General in Council may from time to time, by notification in the *Gazette of India*,

(*a*) prescribe rules for the conduct of any telegraph established or maintained by any Company or person licensed under this Act;

and to declare Act applicable to such telegraphs,

(*b*) declare what portions of this Act shall be applicable to such telegraph and to persons using the same or employed in connexion therewith;

and to telegraphs established within British India by Foreign Powers.

(*c*) declare that this Act, or such portions thereof as may be specified in the notification, shall be applicable to any telegraph established or to be established within British India by any Foreign Prince or State with the consent of the Government of India, and to persons using such telegraph or employed in connexion therewith.

All rules prescribed under this section shall have the force of law.

9. The Government of India shall not be responsible for any loss or damage which may occur in consequence of any telegraph officer failing to transmit with accuracy or to deliver any message given to him for transmission or delivery; and no such officer shall be responsible for any such loss or damage, unless he causes the same negligently, maliciously or fraudulently.

Government not responsible for loss or damage.

III.—Penalties.

10. Whoever, otherwise than under a license duly granted as aforesaid, establishes, or after revocation of such license maintains, a line of telegraph within British India, shall be liable to a fine not exceeding one thousand rupees, and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred rupees.

Penalty for establishing or maintaining unlicensed telegraphs.

11. Whoever, knowing or having reason to believe that a telegraph has been established or is maintained in contravention of this Act, uses such telegraph for the purpose of sending or receiving messages, or performs any service incidental thereto, shall for every such offence be liable to a fine not exceeding fifty rupees.

For using or working such telegraphs.

12. Every Railway Company and every officer of a Railway Company, neglecting or refusing to comply with the provisions of section six, shall be liable to a fine not exceeding one thousand rupees for every day during which such neglect or refusal continues.

For opposing establishment, &c., of telegraphs on railway land.

13. Whoever, without permission of some competent authority, enters the signal-room of a telegraph office of the Government, or of a Company or person licensed under this Act,

For intruding into signal-room, &c.

and whoever enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so,

and whoever refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein,

and whoever wilfully obstructs or impedes any such officer or servant in the performance of his duty,

shall be liable to a fine not exceeding five hundred rupees.

For unlawfully learning the contents of messages.

14. Whoever does any of the acts mentioned in section thirteen with the intention of unlawfully learning the contents of any message, or for any other unlawful purpose, shall (in addition to the fine to which he is liable under section thirteen) be liable to imprisonment for a term which may extend to a year.

For damaging, &c., telegraphs with intent

15. Whoever, intending—

to prevent transmission,

(a) to prevent or obstruct the transmission, conveyance, or delivery of any message:

to tap, or

(b) to intercept or to acquaint himself with the contents of any message, or

to commit mischief.

(c) to commit mischief,

damages, removes, tampers with, or touches, any battery, machinery, wire, cable, post or other thing whatever, being part of or used in or about any telegraph or in the working thereof,

shall be liable to imprisonment for a term which may extend to three years, or to fine, or to both.

Such offences to be cognizable and non-bailable.

All offences under this section shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure.

Power to employ additional police in places where mischief to telegraphs is repeatedly committed.

16. Whenever it appears to the Director General of Telegraphs that any act causing or likely to cause wrongful damage to any telegraph is repeatedly or maliciously committed in any place, and that the employment of an additional police force in such place is thereby rendered necessary, the Local Government may, on the application of the said Director General, send such additional force to such place, and employ the same therein so long as such necessity continues;

and the inhabitants of such place shall be charged with the cost of such additional police force;

and the Local Government may by order in each case define the limits of any place for the purposes of this section;

and the Magistrate of the district, after enquiry if necessary, shall, subject to the orders of the Local Government, assess the proportion in which such cost is to be paid by the said inhabitants according to his judgment of their respective means.

All monies payable under this section shall be recoverable either under the warrant of a Magistrate by distress and sale of the goods of the defaulter within the local limits of such Magistrate's jurisdiction, or by suit in any competent Court, and shall be applied to the maintenance of the police force, or otherwise as the Governor General in Council may from time to time direct.

Penalty for omitting to transmit or deliver messages.

17. Any telegraph officer who—

wilfully secretes, makes away with, alters or omits to transmit, any message which he may have received for transmission or delivery, or

For intercepting or divulging messages.

wilfully, or otherwise than by the official order of a Secretary to the Government of India or to the Local Government, or of such other officer as the Governor General in Council authorizes to give such order, intercepts any message, or any part thereof, or divulges any message, or the purport of any message or of any part thereof, to any person not entitled to receive the same, or

For divulging purport of signals.

divulges the purport of any telegraphic signal to any person not entitled to become acquainted with the same,

shall be liable to imprisonment for a term not exceeding three years, or to fine, or to both.

For offering bribes to telegraph officers.

18. Every telegraph officer shall be deemed a public servant within the meaning of sections 161, 162, 163, 164, and 165 of the Indian Penal Code. And in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this Act, be deemed to include a person or Company licensed under this Act.

For misconduct.

19. Any telegraph officer guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any

message is endangered, or who loiters or makes delay in the transmission or delivery of any message, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred rupees, or to both.

For sending messages without payment to Government.

20. Any telegraph officer who transmits by telegraph any messages upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to imprisonment for a term which may extend to three years, or to fine, or to both.

For sending fabricated message.

21. Whoever transmits or causes to be transmitted by a telegraph a message which he knows to be false or fabricated, shall be liable to imprisonment for a term which may extend to three years, or to fine, or to both.

For retaining messages, &c., delivered by mistake.

22. Whoever fraudulently retains, or wilfully secretes, or makes away with, or keeps, or detains, a message which ought to have been delivered to some other person,

or being required by a telegraph officer to deliver up any such message, neglects or refuses to do so,

shall be liable to imprisonment for a term which may extend to two years, or to fine, or to both.

For abetment of, and attempts to commit, offences.

23. Whoever abets within the meaning of the Indian Penal Code any offence under this Act, and whoever attempts to commit any such offence, shall be punishable with the punishment herein provided for such offence.

ACT No. II.

THE BURMA LAND AND REVENUE ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 18*th January*, 1876.)

An Act to declare the law relating to interests in land and to regulate the assessment and collection of land-revenue, capitation-tax, and other taxes in British Burma.

Preamble.

WHEREAS it is expedient to declare the law relating to the acquisition by private persons of rights in land in the province of British Burma;

And whereas it is expedient also to consolidate and amend the law relating to the assessment and collection of land-revenue, capitation-tax, and certain other taxes in the said province; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Burma Land and Revenue Act, 1876:"

Local extent.

It extends to all the territories now under the administration of the Chief Commissioner of British Burma, except the Hill District of Arakan, and except such other places as the said Chief Commissioner may from time to time, by notification in the *British Burma Gazette*, and with the previous sanction of the Governor General in Council, exempt from its operation;

Commencement.

And it shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may direct by notification in the said Gazette.

Repeal.

2. On and from the date on which this Act comes into force, Act XXXV of 1852 *(for the abolition of the Poll-tax within the towns of Akyab and Kyouk Phyoo, in the province of Arracan, and for levying a tax on lands covered by dwelling-houses within those towns)*, and all regulations and rules (if any) relating to any of the matters provided for by this Act, and then having the force of law, shall be repealed.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context—

"Possession."

(*a*.) Land is said to be in the possession of a person under this Act

(1) when it is occupied by him, or by his servant, agent, tenant or mortgagee, or by some other person holding under him;

(2) when he, his servant, agent, tenant, mortgagee or other person holding under him, has paid the revenue which fell due in respect of such land during the last preceding year of assessment as fixed under section forty-one;

(3) if such land, left fallow in the ordinary course of husbandry, was, when last cultivated, cultivated by him, his servant, tenant, agent or mortgagee, or by some other person holding under him:

Provided that no person shall be deemed to be in possession merely on the grounds mentioned in the second or third clause of this definition, of any land which is occupied by a person not holding under him, or of any land which he has relinquished by a notice in writing presented to a revenue officer at such time of the year as the Chief Commissioner may by rule from time to time appoint in this behalf:

"Revenue officer."

(*b*.) "Revenue officer" means any person whom the Chief Commissioner may appoint, by name or as holding an office, to do—

(1) anything required by this Act to be done by a revenue officer;

(2) anything to be done by a Government officer under this Act or under any rule made under this Act, and for the doing of which no agency is specially provided by this Act:

'Notification.'

(c.) "Notification" means a notification published in the *British Burma Gazette*.

PART II.

OF RIGHTS OVER LAND.

Lands excluded from the operation of Part II.

4. Nothing contained in this Part shall apply to the following:—

Reserved forests.

(a.) Land included in any forest constituted 'a reserved forest' under the law for the time being in force.

Fisheries.

(b.) Land included in any fishery, demarcated under the Burma Fisheries Act, 1875:

Public roads, &c.

(c.) The soil of any public road, canal, drain or embankment:

Towns.

(d.) Land included within the limits of any town:

Dwelling-places.

(e.) Land appropriated to the dwelling-places of any town or village:

Cantonments.

(f.) Land included in any military cantonment:

Civil stations.

(g.) Land included in any civil station:

Lands of religious and educational institutions.

(h.) Land belonging, when this Act comes into force, to the site of any monastery, pagoda or other sacred building, or of any school, and continuing to be used for the purposes of such monastery, pagoda, building or school.

Power to exclude other land.

The Chief Commissioner may from time to time by notification exclude any other land from the operation of this Part.

Power to define boundaries of excluded lands.

5. When the boundaries of any lands exempt or excluded under section four from the operation of this Part need definition for the purposes of that section, and no other mode of defining them is

provided by law, the Chief Commissioner shall cause them to be defined by the revenue officer.

If, before they are defined, any question arises as to whether any land is included within them, such question shall be decided by the revenue officer, whose decision, subject to appeal and review as hereinafter provided, shall be final.

Rights which may be acquired over land.

6. No right of any description shall be deemed to have been or shall be acquired by any person over any land to which this Part applies, except the following:—

(*a*) rights created by any grant or lease made by or on behalf of the British Government;

(*b*) rights acquired under sections twenty-seven and twenty-eight of the Indian Limitation Act, 1871;

(*c*) rights created or originating in any of the modes hereinafter in that behalf specified;

(*d*) rights legally derived from any right mentioned in clauses (*a*), (*b*), and (*c*) of this section.

Status of landholder how acquired.

7. Except as provided in section twenty-two, any person having been in possession of any culturable land for twelve years continuously, and having during that period regularly paid the revenue due thereon, or held the same under an express exemption from revenue, shall be deemed to have, upon the expiration of that period, acquired the status of a landholder in respect of such land:

Provided that such status shall not be deemed to have been acquired by any possession which terminated more than twelve years prior to the date on which this Act comes into force.

Explanation 1.—When land in the possession of one person comes immediately into the possession of another, by transfer or succession, the possession is deemed to be continuous, and the latter may, in reckoning his length of possession, add the possession of the former to his own.

Explanation 2.—When any revenue has been paid in respect of any land by any person holding such land under the person in possession thereof, such revenue shall, for the purposes of this section, be deemed to have been paid by the person so in possession.

Landholders' rights defined.

8. A landholder shall have a permanent heritable and transferable right of use and occupancy in his land subject only—

(*a*) to the payment of all such revenue taxes, cesses, and rates as may from time to time be imposed in respect of such land under any law for the time being in force;

(*b*) to the reservation in favour of Government of all mines and mineral products, and of all buried treasure, with full liberty to work and search for the same, paying to the landholder only compensation for surface damage as estimated by the revenue officer.

Landholders out of possession when Act comes into force.

9. *First Clause.*—Any person having acquired the status of a landholder in respect of any land before the date of this Act coming into force, and having been out of possession of such land on the said date, may, within three years from the said date, or within twelve years from the date on which he was last in possession, whichever first expires, proceed to recover possession of the said land in the manner hereinafter provided; that is to say—

(*a*) if no other person is in possession of the same, he may resume possession thereof;

(*b*) if any other person is in possession of the same, he may apply to the revenue officer to be reinstated in possession thereof.

Landholders relinquishing possession within three years from Act coming into force.

Second Clause.—Any person having the status of a landholder in respect of any land, and being in possession of such land on the date on which this Act comes into force, and (except as provided in section twelve) voluntarily relinquishing possession of such land within the three years next following such date, may, at any time before the expiry of the said period of three years, proceed to recover possession of the same in manner provided in the first clause of this section.

Forfeiture of their status by neglect to assert it.

Third Clause.—All persons entitled to resume possession of lands or to apply to the revenue officer under the first or second clause of this section, and neglecting to resume possession or apply in manner

aforesaid within the periods limited by the said clauses respectively, shall forfeit their status as landholders in respect of such lands.

Applications by them for possession how dealt with.

10. On receiving any application under section nine, it shall be in the discretion of the revenue officer, after such enquiry as he thinks fit to make, either to reject such application, or to put the applicant in possession of the land comprised in his application.

Suits by them on application being rejected.

Any applicant whose application is rejected under this section may, within two months from the date of such rejection, institute a suit in the Civil Court to recover possession of the land comprised in his application.

Forfeiture of their status by neglect to institute such suits.

Any such applicant who neglects to institute such a suit within the said period of two months, shall forfeit his status of landholder in respect of such land.

Landholders relinquishing possession after three years from Act coming into force.

11. Any landholder who, except as provided in section twelve, voluntarily relinquishes the possession of any land after the expiry of three years from the date on which this Act comes into force, shall at once forfeit his status of landholder in respect of such land.

Right of landholder to make over land temporarily to revenue officer,

12. Whenever any person in possession of land, and claiming the status of a landholder in respect thereof, desires temporarily to relinquish the possession of the same, he may present a petition to the revenue officer, requesting him to take over such land.

The revenue officer on receipt of such petition, if it appears to him on such enquiry as he thinks fit to make that the petitioner is entitled to such status, shall cause a notice to be published in such manner as the Chief Commissioner may by rule prescribe, declaring that he has taken over the land, and the land shall thereupon be at his disposal to be let on lease or otherwise dealt with, subject to the rights of any third parties over the land and to the right of the petitioner next hereinafter reserved.

13. The petitioner may, at any time within twelve years from the date on which the land has been taken over by the revenue officer, apply to the revenue officer to reinstate him in possession of the same.

and to recover possession within twelve years.

On receiving such application, the revenue officer shall, in such manner as may be provided by rules made under this Act and in force for the time being, give notice of the application to any person who may be in occupation under him, and shall in due time proceed to eject him, and shall put the applicant in possession of the land :

Provided that no person shall be ejected under this section from any land which, before receiving notice from the revenue officer of the said application, such person or his predecessor in interest has in any way prepared for cultivation, until the person sought to be ejected has gathered in his crop :

Provided also that no person shall be so ejected from any land which he or his predecessor in interest has planted, drained, embanked or otherwise permanently improved, until he has been paid by the applicant the value of such improvements at the date of ejectment, such value to be determined, in case the parties differ, by order of the revenue officer.

14. If any person applies for possession of land under section thirteen, alleging that he is the successor in interest of the petitioner from whom such land was taken over by the revenue officer, the revenue officer may, in his discretion, reject such application, or proceed thereon under section thirteen as if it were an application by the said petitioner, and the person from whom such land has been taken, or any other person, may sue to establish his title to such land.

Applications to recover possession by persons claiming as succeeding to the rights of the petitioner.

15. Any person being in possession of any land and asserting that he himself, or any other person through whom he claims, acquired the status of a landholder in respect of such land in the manner provided by section seven, may apply to the revenue officer to record, in a register to be provided for this purpose, a declaration of such status having been so acquired.

Declaration and record of original acquisition of landholder's status.

And the revenue officer, if it appears to him after a notice of such application has been published for such period and in such manner as the Chief Commissioner may by rule prescribe, and after such enquiry as the revenue officer may think fit to make, that such status was so acquired, shall record a declaration to that effect, and furnish the applicant with a certificate of the same having been recorded.

Cancellation of such declarations and records.

16. If within five years from the date on which a declaration has been recorded under section fifteen, the revenue officer is satisfied that it is erroneous, he may cancel it:

Provided that no such declaration shall be so cancelled until a notice of the intention to cancel it has been published for such period and in such manner as the Chief Commissioner may from time to time by rule direct.

Fresh declarations.

While any such declaration remains on the register uncancelled, no fresh declaration inconsistent therewith shall be recorded in such register.

Questions as to original acquisition or as to the loss of landholder's status how to be dealt with by Civil Courts.

17. Whenever a question arises in any proceeding before any Civil Court as to whether any person acquired the status of a landholder in respect of any land in the manner provided by section seven, and it appears that a declaration of the fact of such status having been acquired by him has been made under section fifteen not less than five years before the commencement of such proceeding and is still uncancelled, the Court shall decide in accordance therewith.

Whenever any such question arises in any such proceeding, and it appears that no such declaration has been so made, or if made that it has been cancelled,

and whenever any question arises whether the status of a landholder, having been acquired, has been subsequently lost,

the Court shall refer such question to the revenue officer, and shall give judgment in accordance with his decision thereon:

Provided that where any party desires to appeal from the decision of the revenue officer on any question so referred, to a revenue officer of higher grade empowered to hear such appeal

by the rules for the time being in force, the Court shall, on such conditions as to the furnishing of security or otherwise as it thinks fit, defer its judgment so as to admit of such appeal being preferred, and in the event of a decision being given in appeal different from that given by the revenue officer to whom the question was originally referred, shall give judgment in accordance with the decision pronounced in appeal.

Power to make rules for the disposal of available lands.

18. The Chief Commissioner may from time to time make rules for the disposal by way of grant or otherwise of any land over which no person has a right of either of the classes specified in clauses (*a*) and (*c*) of section six.

Such rules may provide among other matters for the following:—

(*a*) the amount or kind of interest to be created in such land, and the conditions (if any) subject to which such interest may be conferred;

(*b*) the mode in which grants and other dispositions of the land may be made;

(*c*) the total or partial exemption, either absolutely or subject to conditions, of the land from revenue for a term of years or for any life or lives, or during the maintenance of any institution;

(*d*) the realization of any money payable in consideration of the grant or other disposition, or of any penalty payable on breach of a condition annexed to such grant or disposition, as if it were an arrear of revenue due in respect of the land by the person taking under the grant or disposition, his legal representatives or assigns.

Temporary occupation of available land.

19. The Chief Commissioner may also from time to time make rules to regulate the temporary occupation of such land as last aforesaid, and may empower any revenue officer to eject any person occupying, or continuing to occupy, such land in contravention of such rules.

Allotment of grazing grounds.

20. The Chief Commissioner shall from time to time as occasion requires make rules for the allotment from the land referred to in section

eighteen of grazing grounds to the inhabitants of any village in the neighbourhood whom he considers to stand in need of such allotment, and for regulating and controlling the enjoyment of such grazing grounds by persons permitted to resort thereto.

Allotments to Toungya cutters.

21. The Chief Commissioner shall also make rules from time to time and for different places as occasion requires—

for the allotment from the land referred to in section eighteen for the use of tribes or families practising Toungya cultivation of areas suitable for such cultivation of sufficient extent and situated in localities reasonably convenient for the purposes of the persons to whom they are allotted,

and for regulating and controlling the enjoyment of lands so allotted by persons permitted to resort to the same.

Bar to acquisition of rights over lands disposed of or allotted under sections 18, 20, and 21.

22. No person shall acquire, by length of possession or otherwise, any right over lands disposed of or allotted under section eighteen, section twenty or section twenty-one, beyond that which is given by the rules made under the said sections respectively.

PART III.

Of Revenue and Taxes.

A.—Of Land-revenue.

Land liable to land-revenue assessment.

23. All culturable land and all land which is culturable when this Act comes into force, but which subsequently becomes unculturable in consequence of the erection of buildings or otherwise by the act of man,

and all land assessed to land-revenue when this Act comes into force,

shall be liable to be assessed to land-revenue in manner hereinafter mentioned.

But nothing in this section shall apply to—

(*a*) land which, when this Act comes into force, belongs to the site of any monastery, pagoda or other sacred building, or of any school, and which continues to be used for the purposes of such monastery, pagoda, building or school;

(b) land exempt from assessment under the express terms of any grant made by or on behalf of the British Government;

(c) land in respect of which a Toungya tax is imposed under section thirty-three;

(d) land appropriated to the dwelling-places of any town or village and exempted from the operation of the former part of this section by order of the Chief Commissioner, which order the Chief Commissioner is hereby empowered to make from time to time.

Mode and amount of assessment.

24. The assessment referred to in section twenty-three shall be either—

(a) by annual rates per acre or other superficial measure of the land, or

(b) by annual rates on trees growing on the land.

The Chief Commissioner may from time to time make rules for fixing such rates and determining under what circumstances each description of rate is to be imposed.

Subject to such rules, the nature and amount of such assessment shall be in the discretion of the revenue officer:

Provided that no assessment shall be made in derogation of the terms of any grant made by or on behalf of the British Government.

Rates may be altered.

25. Subject to the rules made under section twenty-four and for the time being in force, and except as provided in that section and in sections twenty-eight and forty-two, the rates payable in respect of any land may be altered from time to time as the Chief Commissioner may direct.

Right to a settlement.

26. Any person in possession of any culturable land which is liable to be assessed to land-revenue may apply to the revenue officer to make a settlement with him of such land.

If such person appears to have a permanent heritable and transferable right of use and occupancy in the land, the revenue officer shall offer him a settlement of the nature hereinafter described.

If such person does not appear to have such a right, it shall be in the discretion of the revenue officer to offer or refuse such settlement.

Nature of settlement.

27. The settlement offered to the applicant may be either—

(a) a settlement of a single annual sum payable in respect of the whole land, or

(b) a settlement of certain annual rates per acre or other superficial measure of land.

In either case the settlement may provide that, for any additional land situate within certain local limits which the applicant may cultivate (not being land acquired by him by transfer or succession), he shall not be required to pay during the continuance of such settlement any revenue whatever or any revenue in excess of rates fixed thereby for such additional land.

The Chief Commissioner shall by rules determine the cases in which each of the said descriptions of settlement shall be offered, and the general principles on which the amount or rate of the revenue payable thereunder shall be fixed.

Subject to such rules, the nature and stipulations of the settlement to be offered in each case shall be in the discretion of the revenue officer.

Rights conferred by settlement.

28. When a settlement of any land offered under sections twenty-six and twenty-seven has been accepted, neither the person on whose application such settlement has been made, nor any person succeeding him in possession of the land by transfer or succession, nor any person holding under him or under a person so succeeding him, shall, during the term of such settlement, be held liable to pay any revenue in respect of such land beyond that fixed by the settlement.

But no person shall be deemed to have acquired any right to or over any land, as against any other person claiming rights to or over the same land, merely on the ground that a settlement of such land has been made on his application, or on the application of some person through whom he claims.

Term of settlement.

29. The settlement shall be made for such term as the Chief Commissioner may from time to time by rule direct.

The settlement of any land shall terminate at the close of any year of assessment prescribed under section forty-one, if the

person in possession of such land, and entitled under section twenty-eight to the benefit of such settlement, not less than three months before the close of such year presents to the revenue officer a notice in writing declaring that he desires to rescind the settlement, and at the same time pays to him all revenue payable in respect of the said land to the close of such year.

If any such person omits to give the notice and make the payment required by this section, he shall continue liable for the revenue payable from time to time under the settlement, although he may have relinquished possession of the land.

Continuance of expired settlement until new settlement is made.

30. If the term for which a settlement of any land has been made elapses before a new settlement thereof is made, any person who was entitled to the benefit of the expired settlement at the time of its expiration and continues in possession of such land, and any person holding under him or claiming through him without an interruption of possession, shall be entitled to the benefit, and be bound by the stipulations of the expired settlement until a new settlement of such land is made:

Provided that the said stipulations shall cease to be in force at the close of any year of assessment as aforesaid, if the person in possession, not less than three months before the close of such year, presents to the revenue officer a notice in writing requiring that they should so cease.

B.—Of the five per cent. cess.

A five per cent. cess to be levied.

31. On all lands assessed to land-revenue there shall be levied, in addition to the land-revenue assessed thereon, an annual cess of five per cent. on the amount of such revenue.

Nothing in this section applies to lands included in towns to which the British Burma Municipal Act, 1874, shall have been extended.

How to be applied.

32. The cess so levied in each district shall form a fund to be called the "Five per Cent. Cess Fund," and shall be appropriated in that district, in such proportions as the Chief Commissioner may from time

to time by notification direct, to all or any of the following local objects, namely,—

the construction and maintenance of district roads;

the promotion of education;

the maintenance of a local postal service;

the maintenance of a village police.

C.—Of the Toungya tax.

Toungya tax.

33. The Chief Commissioner may direct that, in lieu of the revenue assessable on any land under Toungya cultivation, there shall be collected an annual tax, either on each male person who has completed his age of eighteen years, or on each family of persons, taking part in the cultivation of such land at any time during the year of assessment as fixed under section forty-one.

The rates of such tax may be fixed from time to time by the Chief Commissioner, but shall not exceed the following, that is to say,—

on each male cultivator, two rupees;

on each family of cultivators, two rupees.

D.—Of the Capitation-tax and the Land-rate in lieu thereof.

Capitation-tax.

34. A capitation-tax shall be payable by all males between the ages of eighteen and sixty years, at such rates as the Chief Commissioner may from time to time by notification direct:

Provided that such rates shall not exceed the following, that is to say,—

on married men, five rupees a year:

on men who have no wives, two rupees eight annas a year;

Provided also that this tax shall not be payable—

(*a*) by the residents of any of the towns mentioned in the schedule hereto annexed;

(*b*) by the residents of any other town on which the Chief Commissioner may impose a land-rate under section thirty-five.

Land-rate in lieu of capitation-tax.

35. In the towns mentioned in the schedule hereto annexed, and in such other towns as the Chief Commissioner may from time to time

by notification direct, there shall be levied, instead of the capitation-tax, an annual rate upon land, to be fixed from time to time by the Chief Commissioner by notification, but not to exceed the following, that is to say,—

on land covered with buildings, one pie and a half per square foot;

on land not covered with buildings, three rupees per acre.

The boundaries of the towns in which such rate is leviable shall be fixed from time to time, for the purposes of this section, by the Chief Commissioner by notification, and may be so fixed as to include any suburbs of such towns.

Explanation.—The rate leviable on any land under this section shall be in addition to any land-revenue payable thereon.

Exemption from capitation-tax and land-rate.

36. The Chief Commissioner may, by notification,—

(*a*) exempt any person or class of persons, or the residents of any particular locality, from the payment of capitation-tax;

(*b*) exempt any lands, or any class of lands, throughout the province or in any part thereof, from land-rate in lieu of capitation-tax;

(*c*) revoke any such exemption.

E.—Of personal Liability for certain Revenue and Taxes.

Personal liability for land-revenue, five per cent. cess, and land-rate in lieu of capitation-tax.

37. The amount payable on account of revenue, five per cent. cess, or land-rate in lieu of capitation-tax on any land for any year of assessment, shall be due jointly and severally from all persons who have been in possession of such land at any time during such year, and all persons who have held under them as tenants, mortgagees or conditional vendees.

Personal liability for tax on families.

38. When a tax per family of cultivators of any land is imposed, the amount due for any year of assessment from each family shall be due jointly and severally from all males of such family who at any time during such year, being then above the age of eighteen years, took any part in the cultivation of such land.

F.—Of the Manufacture of Salt, and of Licenses to prepare and collect Cutch, Beeswax, &c.

Power to make rules for—

39. The Chief Commissioner may from time to time make rules—

licensing salt-manufacture;

(*a*) for granting licenses to manufacture salt;

imposing salt duty;

(*b*) for imposing on all salt manufactured a duty at a rate not exceeding the rate of customs-duty for the time being payable on salt imported by sea;

composition with licensees.

(*c*) for compounding with any holder of a license for the payment by him of an annual sum assessed upon the plant employed by him, in lieu of the duty which would be payable by him under clause (*b*) on the salt produced with the aid of such plant.

Penalty for manufacturing or storing salt without a license.

Any person who, without a license for the time being in force,—

(*d*) engages in the manufacture of salt;

(*e*) owns works for the manufacture of salt; or

(*f*) stores salt exceeding such quantity as the Chief Commissioner may from time to time by notification fix in this behalf;

shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees and to a further fine of ten rupees for every day after a first conviction under this section in which he continues such manufacture or storage:

And all salt in respect of which a conviction under this section has taken place, and all materials and implements used for the purpose of manufacturing such salt, shall be liable to confiscation by order of the convicting Magistrate.

Power to make rules regarding collection and preparation of cutch, beeswax, &c.

40. The Chief Commissioner may from time to time make rules—

(*a*) for granting licenses to prepare or collect, or farms of the right of preparing or collecting cutch, beeswax, honey, lac, cardamoms and other forest-produce or edible birds' nests,

upon land over which no person has a right of either of the classes specified in clauses (*a*) and (*c*) of section six:

(*b*) for fixing the amount of fees to be charged in respect of such licenses or farms.

G.—*Miscellaneous.*

Year of assessment.

41. The year of assessment of any revenue, cess, rate, tax or fee leviable under this Part shall commence on such day of the calendar year as the Chief Commissioner may from time to time by rule prescribe.

When increase of rates takes effect.

42. Notwithstanding anything contained in this Part, no enhancement made in any such revenue, rate, tax or fee shall take effect until the commencement of the year of assessment following that in the course of which it is made.

PART IV.

OF ARREARS AND THE MODE OF RECOVERING THEM.

Revenue, &c., when due, where and to whom payable.

43. Every sum payable under this Act on account of any revenue, tax, cess, rate, fee, duty or composition, shall fall due on such date, and shall be payable at such place and to such person, as the Chief Commissioner may from time to time by rule direct.

"Arrear" and "defaulter" defined.

44. When any such sum has fallen due, and a written notice of demand for it has been served on any one of the persons liable for it, or published in such manner as the Chief Commissioner may from time to time by rule direct, and ten days have elasped from the service or publication of such notice without such sum having been paid, such sum shall be deemed to be an arrear; and every person liable for it shall be deemed to be a defaulter.

Proceedings against defaulters for recovery of arrear.

45. An arrear may be realized as if it were the amount of a decree for money passed against the defaulter in favour of any revenue officer whom the Chief Commissioner

may from time to time appoint in this behalf by name or as holding any office.

Proceedings with a view to the realization of such arrears may be instituted by such officer before any other revenue officer whom the Chief Commissioner may from time to time appoint by name or as holding any office, and except in so far as the Chief Commissioner may otherwise by rule direct, such other officer may exercise all the powers conferred on, and shall conform to all rules of procedure prescribed for, a court executing a decree by the Code of Civil Procedure:

Provided that—

except when execution is applied for against a defaulter who has absconded, or who is reasonably believed to be about to abscond,

the officer before whom proceedings are instituted under this section shall, before issuing any process of execution against a defaulter, cause a notice to be served on him in the manner prescribed for the service of summons on defendants in civil suits, requiring him either to pay the amount of the arrear or to appear on a day fixed in the notice and show cause why such amount should not be realized from him.

If on the day so fixed such amount has not been paid and the defaulter does not appear, or appearing fails to show cause as aforesaid, the said officer may order the process to issue forthwith.

Proceedings against the land.

46. Instead of, or in addition to, the proceedings which may be instituted under section forty-five, a revenue officer empowered in this behalf by the Chief Commissioner may, when the arrear is one of land-revenue, five per cent. cess, or land-rate in lieu of capitation-tax, proceed against the land on which such arrear has accrued as next hereinafter provided.

Where there is a permanent heritable and transferable right in such land.

47. If such officer finds on enquiry that there exists any permanent heritable and transferable right of use and occupancy in the land, he may sell by public auction such right in the whole of the land, or in such portion thereof as he may deem sufficient, for the realization of the arrear.

The proceeds of such sale shall be applied in the first place in liquidation of the arrear, and in the event of there being any surplus remaining, the revenue officer shall, if he is satisfied as to the right of any person claiming such surplus, pay the amount thereof to such person, and if he is not so satisfied, shall hold the amount in deposit for the person who may ultimately succeed in due course of law in establishing his title thereto.

Title conferred by purchase at sale under section 47.

48. The purchaser at a sale held under section forty-seven shall be deemed to have acquired the right offered for sale, free from all encumbrances created over it and from all subordinate interests derived from it, except such as may be expressly reserved by the revenue officer at the time of sale.

Proceedings against the land where no permanent heritable and transferable right exists.

49. If the revenue officer proceeding against the land finds on enquiry that no permanent heritable and transferable right of use and occupancy exists therein, he may, by proclamation published on the land in such manner as the Chief Commissioner from time to time by rule directs, declare that he has taken possession of such land on behalf of the Government, and may summarily eject any person found in occupation thereof.

Effect of proclamation published under section 49.

50. When a proclamation is published under section forty-nine in respect of any land over which any private rights of any description exist, such land shall be deemed to have been, from the date of such proclamation, vested in the Government free from all such rights as have not been expressly reserved by the terms of such proclamation.

Costs of proceedings for recovery of arrears.

51. All costs of any proceeding under this Act for the recovery of an arrear may be recovered as if they formed part of such arrear.

Proceedings against defaulting revenue officers.

52. If a revenue officer has reason to believe that a revenue officer subordinate to him who has collected any sum due under this Act has absconded or is about to abscond without accounting for such sum, he may issue a warrant for the apprehension of such subordinate officer and proceed against him or cause proceedings

to be instituted against him as if he were a defaulter in the amount so collected.

Proceedings against sureties of defaulters and revenue officers.

53. Any person who has become liable for any amount as surety for a defaulter or revenue officer may be proceeded against as if he himself were a defaulter in such amount.

PART V.

MISCELLANEOUS.

Erection and repair of boundary-marks.

54. A revenue officer may, by a notice in writing duly served in accordance with rules to be made under this Act, require any person liable for the revenue of any land, or entitled to hold such land free of revenue, to erect boundary-marks sufficient for defining the limits of such land, or to repair any such boundary-marks already existing; and if such person fails to comply with his requisition within a period to be specified in the notice, may cause the work to be done, and recover the cost thereof as if it were an arrear of revenue due in respect of the land.

Appeals.

55. Appeals shall lie from orders and decisions given under any provision of this Act, in such cases, to such officers, and subject to such limitations as to time, and such other conditions, as the Chief Commissioner may from time to time by rule determine:

Provided that decisions by an officer of a grade lower than that of a Commissioner of a Division in or on the following matters, claims, and questions shall not be final (namely):

(*a*) matters disposed of by revenue officers under section five, section ten, and sections twelve to seventeen inclusive, except orders as to the value of improvements;

(*b*) claims to occupy or resort to lands under sections nineteen, twenty, and twenty-one, and disputes as to the use or enjoyment of such lands between persons permitted to occupy or resort to the same;

(*c*) questions as to whether any land or any person is liable to be assessed to any revenue, cess, tax or rate;

(*d*) questions as to the mode or principle of assessment of any revenue, cess, tax or rate, or as to the amount assessed;

(*e*) questions as to the right to a settlement of land-revenue, or the nature or term of the settlement to be offered;

(*f*) questions as to the validity or effect of any settlement, or as to whether the conditions of any settlement are still in force;

(*g*) questions as to the liability of any person under sections thirty-seven and thirty-eight;

(*h*) questions as to whether any revenue, cess, tax or rate is in arrear;

(*i*) questions as to the legality of any process issued under section forty-five;

(*j*) questions as to the validity of a sale under section forty-seven, or as to the effect of a proclamation under section forty-nine:

Provided also that in all cases the Chief Commissioner shall have power to call for and review the proceedings, if he thinks fit to do so, and pass such order thereon consistent with the provisions of this Act as he thinks fit.

Bar to jurisdiction of Civil Courts.

56. Except as hereinbefore expressly provided, no Civil Court shall exercise jurisdiction as to any of the following matters (namely):—

(*a*) matters, claims, and questions mentioned in the first proviso to section fifty-five;

(*b*) claims to any office connected with the revenue administration, or to any emolument appertaining to such office, or in respect of any injury caused by exclusion, suspension or removal therefrom;

(*c*) claims to have allotments made under section twenty or section twenty-one and objections to the making of such allotments;

(*d*) claims to a remission or refund of any revenue, cess, tax, rate, fee, duty or composition payable or paid under this Act;

(*e*) questions as to the right to, or amount of, any compensation for improvements awardable under section thirteen.

Additional powers which may be conferred on revenue officers.

57. The Chief Commissioner may, subject to any restrictions from time to time imposed by the Governor General in Council, invest any revenue officer by name or as holding

any office with any of the following powers, in addition to the powers directly conferred on revenue officers by this Act, to be exercised by him in any part of British Burma or in any class of cases in any such part:—

(*a*) power to enter upon any land and to survey, demarcate or make a map of the same;

(*b*) power to cut and thresh the crop on any land and weigh the grain with a view to estimating the capabilities of the soil;

(*c*) any power exercised by a Civil Court in the trial of suits;

(*d*) power to delegate the exercise of any power, or the performance of any duty, to a subordinate revenue officer;

(*e*) power to review any decision or order given by a revenue officer which is not open to appeal, or from which, if open to appeal, no appeal has been preferred;

(*f*) power to call for the proceedings of any subordinate revenue officer and review any order or decision given therein which is not open to appeal, or from which, if open to appeal, no appeal has been preferred.

Additional powers to make rules.

58. In addition to the other matters for which the Chief Commissioner is empowered to make rules by this Act, he may from time to time make rules—

(*a*) for the assessment and collection of all revenue and of every cess, tax, rate, fee, duty and composition leviable under this Act;

(*b*) to determine the person by whom, and the time, place, and manner at or in which, anything to be done under this Act, and for which no express provision is made in these respects, shall be done; and generally to regulate the procedure of revenue officers in all cases;

(*c*) to provide for the investigation by the higher revenue officers of charges of misconduct preferred against revenue officers of lower grade;

(*d*) to determine the fees to be charged for the service of process issued under this Act, and the mode in which such fees shall be realised;

(*e*) to regulate the costs in all proceedings before revenue officers, and to provide for their realization as if they were arrears of land-revenue;

(*f*) as to making advances of money to agriculturists for the purchase of seed and cattle, for the construction, maintenance, and repair of dwelling-houses and other buildings, and for other such purposes not coming within the scope of the Land Improvement Act, 1871;

(*g*) for the recovery of advances made under clause (*f*) of this section, from the persons to whom they were made or their legal representatives; and

(*h*) generally to carry out the provisions of this Act.

Penalty for breach of rules.

59. The Chief Commissioner may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Publication of rules.
Force of rules.

60. All rules made by the Chief Commissioner under this Act shall, when sanctioned by the Governor General in Council, be published in the *British Burma Gazette*, and shall thereupon have the force of law.

Consolidation and republication of rules.

61. The Chief Commissioner shall at least once in every three years cause all rules for the time in force under this Act to be arranged in some convenient order, according to their subject-matter, consolidated, and, where necessary, amended.

The rules so arranged, consolidated, and amended shall, after being sanctioned by the Governor General in Council, be published in the *British Burma Gazette*, and upon such publication all previous rules under this Act shall cease to be in force.

SCHEDULE.

(*See sections* 34 *and* 35.)

Towns in which land-rate in lieu of capitation-tax is levied:

Rangoon.	Prome.
Bassein.	Toungoo.
Thayetmyoo.	Akyab.

Kyouk Phyoo.

ACT No. III.

THE BRITISH BURMA LABOUR LAW.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th January, 1876.)

An Act to regulate the transport of Native labourers to British Burma, and their employment therein.

Preamble.

WHEREAS it is expedient to regulate the transport of Native labourers to British Burma, and their employment therein under contracts of service; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The British Burma Labour Law, 1876:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Repeal of Madras Act No. V of 1866, so far as it affects British Burma.

2. Madras Act No. V of 1866 *(to regulate the manner of engaging and contracting with Native inhabitants within any of the Districts subject to the Government of Fort Saint George, for labour to be performed in any part of India beyond the territorial limits of the Presidency of Madras)* is repealed as to engagements hereafter made in the Presidency of Madras for labour to be performed in British Burma and as to the emigration of natives of India from such Presidency to British Burma.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"Chief Commissioner."

"Chief Commissioner" means the Chief Commissioner of British Burma.

"Emigrants."

"Emigrants" and "emigration" respectively mean emigrants and emigration under this Act:

"Magistrate."

"Magistrate" means a Magistrate of a district, or of a division of a district, or any Magistrate deputed by the Magistrate of the district for the control of emigration or labourers, or any Magistrate of Police for a Presidency Town:

"Immigrant."

"Immigrant" means any emigrant who has gone to British Burma in accordance with a contract made under the provisions of this Act.

PART II.

OF EMIGRATION.

Emigration Agents, Medical Inspectors, and Depôts.

Appointment of Emigration Agent.

4. At every port of embarkation the Chief Commissioner shall, with the consent of the Local Government, appoint an Emigration Agent, to whom such remuneration shall be assigned as the Government of India may from time to time direct. Such Agent may be suspended or removed at the pleasure of the Chief Commissioner.

Appointment of Medical Inspector.

At every such port the Local Government shall appoint a competent person to be Medical Inspector of Emigrants, and such remuneration shall be assigned to him as the Governor General in Council may from time to time direct. Such Medical Inspector may be suspended or removed at the pleasure of the Local Government.

Emigration Agent and Medical Inspector to be deemed public servants.

5. Every such Emigration Agent and Medical Inspector shall be a public servant within the meaning of the Indian Penal Code.

Duties of Agent.

6. In addition to the special duties hereinafter assigned to him, every such Emigration Agent shall—

(*a*) protect and aid with his advice all emigrants;

(*b*) cause, so far as he can, all provisions of this Act to be complied with;

(*c*) inspect on arrival all vessels bringing return emigrants to the port at which he is Agent;

(*d*) receive and enquire into the complaints (if any) of the treatment of such emigrants during the voyage and (if necessary) report thereon to the Local Government;

(*e*) aid and advise such returned emigrants when requested by them to do so.

Emigration Agent, &c., to give information to Medical Inspector.

7. Every Emigration Agent, and all persons in charge of, or employed in, any depôt or in any vessel licensed to carry emigrants as hereinafter provided, shall give the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford him all such information as may be reasonably required by him.

Establishment of depôts for emigrants.

8. At each port of embarkation the Emigration Agent shall establish a suitable depôt for emigrants.

Recruiters.

Licensing of recruiters.

9. Each Emigration Agent shall license as many fit persons (whether servants of Government, of individuals or of companies) as he thinks necessary to be recruiters of labourers for British Burma.

Every recruiter shall be licensed to obtain labourers from one or more districts to be named in the license.

Form of license.

10. The license granted to a recruiter, under section nine, may be in the form set forth in schedule A hereto annexed.

Period for which it shall remain in force.

No license shall be in force for a longer period than one year, and in case of misconduct on the part of the recruiter, the Emigration Agent

may cancel his license before the expiration of the period for which it was granted.

Countersignature of Magistrate to recruiter's license.

11. A recruiter shall not be deemed to have obtained authority in any place other than a Presidency Town to engage or attempt to engage a Native of India to become an emigrant until his license has been countersigned by the Magistrate of the district or of the division of the district, or to have obtained such authority in any Presidency Town until his license has been countersigned by the Commissioner or Deputy Commissioner of Police.

License not to be countersigned until recruiter's fitness is ascertained.

12. No such officer shall countersign a recruiter's license unless and until he has satisfied himself, by such enquiry as he thinks fit, that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act.

If any officer who has countersigned a license afterwards finds reason to think that the licensee is by character or other cause unfitted to be a recruiter under this Act, he may require the licensee to produce the license and may cancel his signature; or he may, if he thinks fit, impound the license and send it to the Emigration Agent for cancellation.

Every such officer refusing to countersign a recruiter's license, or cancelling his signature, shall, without delay, report his refusal or cancellation and the grounds of it to the Emigration Agent to whose authority the recruiter is amenable.

Contracts and Registration and Journey to Depôts.

Contract to be entered into with intending emigrant.

13. Any person desiring to emigrate under this Act may enter into a contract with a recruiter to proceed to British Burma and there serve for a fixed period of not more than three years from the date of his arrival at the port of debarkation.

Every such contract shall be in writing, and shall specify—

(*a*) The recruit's term of service:

(*b*) The number of days and hours which he is to work per week.

(c) His monthly wages in money:

(d) The persons (if any) intending to accompany him as his dependents:

(e) Where the contract is made on behalf of a particular employer, the name of such employer.

The monthly rate of wages shall in no case be less than seven rupees for an able-bodied male labourer.

No recruit shall be required to work more than six days in one week, or more than six consecutive hours, or more than nine hours a day. The obligation to provide on holidays for the care of animals, and the necessities of daily life, shall not be considered as work.

No deduction shall be made from the wages of a recruit on account of the rest for one day in each week.

No emigrant shall be bound by the provisions of this Act unless he has entered into a contract in accordance with this section.

Medical examination of intending emigrant.

14. Every recruit who has entered into such a contract as aforesaid shall be brought by the recruiter before the Civil Surgeon of the district or such other medical officer as the Local Government appoints in that behalf or, in default of such appointment, before such medical officer as the Magistrate directs.

The medical officer shall thereupon examine the recruit, and shall either reject him or shall certify that he is in a fit state of health and able in point of physical condition to proceed to British Burma and to work there.

If it is intended that any persons shall accompany the recruit as his dependents, the recruiter shall also bring them before the medical officer for the purpose of obtaining certificates that they are in a fit state of health and able in point of physical condition to perform the journey to British Burma; and the medical officer shall examine the dependents and shall give or refuse certificates according to his opinion as to their fitness and ability.

Certificates shall be in the form set forth in schedule B hereto annexed, and the recruiter shall pay to the medical officer such fee for each person examined as the Local Government may from time to time prescribe.

15. Every certified recruit and every accompanying dependent shall appear with the recruiter before a Magistrate in the district or Presidency Town within which the contract with the recruit was entered into.

Recruiter and emigrant to appear before Magistrate.

16. The Magistrate shall thereupon inspect the instrument of contract and the medical certificate of the recruit, and shall, apart from the recruiter, examine the recruit with reference to his contract;

Examination by Magistrate of emigrants under contract.

and if it appears that the recruit understands the nature of the contract he has entered into as regards the particulars specified in section thirteen, and that he is willing to fulfil the same, the Magistrate shall register—

(*a*) the name, the father's name, and the age of such recruit:

(*b*) the name of the village or place in which he resides:

(*c*) the port of embarkation to which it is intended that he shall proceed:

(*d*) the several particulars specified in the instrument of contract made under section thirteen.

The recruit shall thereupon be deemed an emigrant under this Act.

If the Magistrate thinks that the recruit does not understand the nature of his contract, or has been induced to enter into it by fraud or misrepresentation, he shall refuse to register him, and record his reasons for such refusal.

17. On the appearance of any person claiming to be dependent on an emigrant, the Magistrate, after inspecting the medical certificate, shall, apart from the recruiter, examine such person if able to give intelligent answers to questions as to his dependence upon the emigrant whom he is about to accompany, and as to his willingness to accompany such emigrant.

Examination of dependents on emigrants.

If the Magistrate is satisfied as to the said dependence and willingness, he shall register the dependent as a dependent on such emigrant.

But if the Magistrate sees reason to doubt such dependence or willingness, he may refuse to register the alleged dependent, and, if so, shall record his reasons for such refusal.

18. The Magistrate shall furnish to every emigrant an authenticated copy on substantial paper of the matters registered under sections sixteen and seventeen.

Registration of emigrants.

Such copy is hereinafter called "The emigrant's instrument" or the "immigrant's instrument."

Another authenticated copy of the matters so registered, together with the original certificate of the medical officer, shall be forthwith forwarded by the Magistrate to the Emigration Agent at the port of embarkation to which the emigrant is about to proceed.

For each registration of a recruit under this Act, the recruiter shall pay to the officer making it a fee of eight annas.

Registration-fee.

19. When the registration under this Act is completed, the emigrant and his dependents may be moved to the depôt at their port of embarkation.

Journey to depôt.

20. The recruiter himself, or a competent person appointed by him with the approval of the Magistrate by whom such emigrants have been registered, shall accompany and take care of all emigrants and their dependents while journeying to the depôt.

Care of emigrants on journey to depôt.

The Magistrate shall give to every person so appointed a certificate under his signature, stating that he has been appointed to accompany and take care of certain emigrants during their journey to the depôt.

Every recruiter by whom any emigrant or dependent is forwarded to a depôt shall, throughout the journey, provide him with proper and sufficient food and lodging.

21. Whoever, being a duly licensed recruiter, removes for the purpose of emigration any recruit before the completion of such registration as aforesaid;

Penalties for infringing provisions as to recruitment.

and whoever by means of intoxication, violence, fraud, false pretences or misrepresentation, induces any Native of India to enter into a contract for labour to be performed in British Burma, or to proceed to or towards any seaport for the purpose of

proceeding to British Burma without having entered into any contract;

and whoever wilfully neglects to supply any emigrant or dependent under his care with proper and sufficient food and lodging, or otherwise ill-treats such emigrant or dependent on his journey to the depot;

and whoever forwards, sends or conveys any such emigrant or dependent with intent to contravene the provisions of this Act;

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Procedure on arrival of Emigrants at Depôt.

Notice of arrival of emigrants at depôt to be given to Medical Inspector.

22. The Emigration Agent shall, within twenty-four hours after the arrival at the depôt of any emigrant, give to the Medical Inspector notice in writing of such arrival.

Medical Inspector to examine emigrants.

23. The copy of the matters so registered and the medical certificate of every emigrant forwarded to the Emigration Agent as provided by section eighteen, shall be shown to the Medical Inspector at the port of embarkation, and all emigrants and their dependents shall be examined by the Medical Inspector immediately after he receives notice of their arrival at the depôt.

Inspection of depôts.

24. The Medical Inspector of Emigrants shall also, at least once in every week, inspect the emigrants in the depôt, and examine into the state of the depôt and the manner in which the emigrants are therein lodged, fed, clothed, and otherwise provided for and attended to.

Treatment of emigrant or dependent suffering from infectious disease.

25. It shall be the special duty of the Medical Inspector to take care that no emigrant or dependent is suffering from any disease calculated to be dangerous to his neighbours, and to isolate or to exclude from the depôt and from embarkation persons who are so suffering.

Any person so suffering may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

Emigration Agent to pay return expenses of rejected emigrants.

26. If the Medical Inspector has reason to think that any emigrant is in such a state of health that his journey to British Burma, or detention in the depôt, would be dangerous to himself or others, or that he is unfit for labour in British Burma, he shall so certify to the Emigration Agent; and in case any emigrant is in such a state of health as aforesaid, the Emigration Agent shall pay to such emigrant such sum as is necessary to enable him to return to the place at which he was registered:

And any emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake such journey, shall be entitled to be fed, lodged, and attended to at the port of embarkation at the expense of the Emigration Agent, until he is reported by the Medical Inspector fit to undertake such journey.

Return expenses of dependents.

27. If a dependent has accompanied such emigrant, the Emigration Agent shall pay such sum as is necessary to enable him to return to the place at which he was registered, as well as to feed and lodge him during the detention (if any) of the emigrant in the depôt.

Procedure where dependent is dangerously ill.

28. If the Medical Inspector sees reason to think that any dependent is in such a state of health that his journey to British Burma, or his detention in the depôt, would be dangerous to himself or others, he shall so certify to the Emigration Agent; and thereupon the emigrant to whom such dependent is attached shall be entitled, if he so wishes, to return as if he himself had been certified to be unfit to proceed under section twenty-six.

If the emigrant still desires to proceed, then the dependent shall be kept and be returned to the place at which he was registered as if he were an emigrant falling under section twenty-six.

Countersignature by Medical Inspector where emigrant or dependent is passed by him.

29. If the Medical Inspector sees no reason to certify in the manner provided in section twenty-six or section twenty-eight of any emigrant or dependent, he shall countersign the copy of the emigrant's instrument which is in the possession of the Emigration Agent.

30. If, upon the arrival of any emigrant or dependent at the depôt, it appear that he has suffered any ill-treatment, or that the recruiter has failed to provide him with proper and sufficient food and lodging during the journey to the depôt, the Local Government or such officer as it may from time to time appoint in this behalf, may order the Emigration Agent to pay him a reasonable sum by way of compensation.

Procedure in case of ill-treatment on journey.

31. When the copy of an emigrant's instrument has been countersigned by the Medical Inspector under section twenty-nine, the Emigration Agent shall ratify the contract into which the emigrant has entered, by countersigning the emigrant's instrument and the authenticated copy thereof forwarded to the Emigration Agent under section eighteen.

Ratification of contracts of emigrants passed by Medical Inspector.

32. A copy of every such instrument shall be entered in a register to be kept by the Emigration Agent for the purpose, and a copy of such entry authenticated by himself shall be forwarded by him to the Immigration Agent at the port of debarkation.

Registration of contracts.

33. Any emigrant who, without reasonable cause, refuses to produce his instrument when required by the Emigration Agent, or in any respect to comply with the terms of his contract, shall be punished with a fine equal in amount to the cost incurred in engaging, registering, and conveying him to the depôt, and in default of payment of such fine, with imprisonment which may extend to two months, and such emigrant may forthwith be discharged from the depôt.

Procedure if emigrant refuses to produce instrument.

A certificate signed by the Emigration Agent that reasonable cause for refusing to produce the emigrant's instrument has not been shown, shall be admissible as *primâ facie* evidence in any proceeding taken under this section.

A certificate signed by the Emigration Agent, stating the cost incurred in engaging, registering, and conveying the emigrant to the depôt, shall be conclusive evidence of the amount of such cost.

Every fine levied under the provisions of this section shall be paid to the Emigration Agent.

Procedure if Agent neglects to ratify contract.

34. If within thirty days after the arrival at a depôt of any emigrant the Emigration Agent does not offer to ratify such contract in manner aforesaid,

or if the Emigration Agent, without the consent of the Local Government, refuses to be bound by the contract made with the emigrant,

the Local Government, or such officer as it may from time to time appoint in this behalf, may order the Emigration Agent to pay to such emigrant such sum of money as is necessary to enable him, together with the dependents (if any) upon him, to return to the place where he was registered, and also to pay him a reasonable sum by way of compensation, and in such case the emigrant shall be released from his contract.

Consequence of ratification.

35. When the contract, not being a contract to serve a particular employer, has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Burma, and there to labour according to the terms of his contract in any place and mode which, consistently with such terms and with the provisions of this Act, the Chief Commissioner or any officer appointed by him in that behalf may from time to time direct.

When the contract, being a contract to serve a particular employer, has been ratified by the Emigration Agent, the emigrant shall be deemed to have contracted with the Secretary of State for India in Council to proceed to British Burma and there to labour for such employer; and such employer shall be bound to repay to the Immigration Agent all expenses incurred under this Act in respect of the immigrant and his dependents up to the time when the immigrant is delivered to his employer.

Emigrant Vessels and Embarkation of Emigrants.

When contract is ratified, emigrant may be forwarded to British Burma.

36. When the contract of any emigrant has been duly ratified as aforesaid, he may be forwarded to British Burma, together with his registered dependents (if any).

37. It shall not be lawful to receive any emigrant on board any vessel unless a license to carry emigrants in such vessel has been obtained from the Local Government of the port of embarkation.

No unlicensed vessel to carry emigrants.

The granting or withholding of any such license shall be in the discretion of the Local Government.

38. Every person obtaining a license under the last preceding section shall be bound to comply with the provisions of this Act and the rules made hereunder, so far as such provisions and rules relate to him.

Licensee bound to comply with provisions of Act and rules.

And any such person failing to comply with any of such provisions or rules shall be liable to a fine not exceeding one thousand rupees.

39. Before leaving the port of embarkation, the Emigration Agent shall furnish the master of any vessel licensed to carry emigrants with a list specifying as accurately as may be the names, ages, and occupations, and the names of the fathers of the emigrants on board, and the names of their dependents (if any);

List of emigrants.

and the master shall obtain from the Emigration Agent and the Medical Inspector of Emigrants certificates under their respective hands, to the effect that they have in respect of the emigrants and dependents proceeding in such vessel done all that is hereinbefore required to be done on the part of such Emigration Agent and Medical Inspector respectively, and that, to the best of their knowledge, all the directions herein contained for ensuring the health, comfort, and safety of the emigrants and dependents have been duly complied with, as well as all rules for the time being in force under section eighty-six.

Certificates from Emigration Agent and Medical Inspector.

40. If any emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such emigrant or his dependents (if any) to embark, or to put him or them on boardship against his will, or to detain him or them against his or their will at the depôt or elsewhere; but nothing in this section shall diminish or affect

Procedure if emigrant refuses to embark.

the civil or criminal liabilities which such emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Explanation.—The arbitrary refusal of any such dependent to embark shall not be deemed 'sufficient cause' within the meaning of this section.

Every case in which an emigrant is charged under this section before a Magistrate of Police in a Presidency Town shall be heard and determined in a summary manner; and every such emigrant shall on conviction, whether by such Police Magistrate or any other Magistrate, be punished in the manner provided in section 492 of the Indian Penal Code for the punishment of offences under that section.

Procedure as to emigrant's instrument.

41. The Emigration Agent shall, before the embarkation of any emigrant, ascertain that he has in his possession the instrument mentioned in section eighteen.

If it appear to the satisfaction of the Emigration Agent that any emigrant has lost such copy, the Agent may furnish him with another copy of such instrument to be made from the copy forwarded by the Magistrate under section eighteen, and shall thereupon allow such emigrant to embark.

Provision for offices of Emigration Agent and Medical Inspector being held by same person.

42. The offices of Emigration Agent and of Medical Inspector of Emigrants may be held by the same person; but in such case he shall perform only such of the duties hereinbefore prescribed for the two offices as are necessary for carrying out in substance the provisions of this Part.

PART III.

DEBARKATION AND TRANSIT TO DISTRICTS OF LABOUR.

Officers and Depôts at Ports of Debarkation.

Immigration Agent and Medical Inspector of Immigrants.

43. The Chief Commissioner shall, at each port of debarkation, appoint an Immigration Agent and a Medical Inspector of Immigrants, and shall, by notification in the *British*

Burma Gazette, define the local limits within which every such Agent and Inspector shall exercise the powers conferred upon him by this Act. Such Agent and Inspector may be suspended or removed at the pleasure of the Chief Commissioner.

Depôt at port of debarkation.

44. At every such port the Immigration Agent shall establish a suitable depôt for immigrants under this Act, and provide them and their dependents (if any) with proper and sufficient lodging, food, clothing, and medical attendance in such depôt until they are despatched to the place of labour.

Such depôt shall be at all times open to the inspection of the Medical Inspector of Immigrants.

Procedure on arrival of Vessel carrying Immigrants.

Master to report arrival of vessel carrying immigrants.

45. Upon the arrival at any port of debarkation of any vessel carrying immigrants, the Master of such vessel shall at once report his arrival to the Immigration Agent, and no immigrant on board shall be allowed to land without the permission of such Agent first obtained.

Any Master of a vessel who allows any immigrant to land without such permission may be punished by a fine which may extend to fifty rupees for each person so landed.

Examination of immigrants by Immigration Agent.

46. Upon receipt of the report of arrival of any vessel carrying immigrants, the Immigration Agent or such other officer as he deputes in this behalf, shall forthwith go on board such vessel and satisfy himself that the vessel has on board its proper list of immigrants, and shall compare the immigrants on board with the list.

Examination by Medical Inspector.

The Medical Inspector shall also, as soon as may be, examine the immigrants, in order to ascertain whether any of them are suffering from contagious or infectious disease.

Any immigrant suffering under any such disease may, if the Medical Inspector thinks fit, be removed to a proper hospital for treatment.

47. The Immigration Agent may, if he thinks fit, and shall on complaint made by any of the immigrants, inquire into the treatment of the immigrants during the voyage, and submit a report thereon to the Chief Commissioner.

Enquiry into treatment of immigrants on the voyage.

Assignment of Immigrants.

48. The Chief Commissioner may from time to time make rules consistent with this Act regulating—

Assignment of immigrants to employers.

(*a*) applications to the Immigration Agent by persons desiring to employ immigrants,

(*b*) the terms on which the Agent shall assign immigrants to such persons respectively,

(*c*) the terms on which immigrants shall be allowed to labour on their own account,

(*d*) the mode in and terms on which immigrants contracting to serve a particular employer shall be sent to their place of labour.

All such rules shall be published in the *British Burma Gazette.*

49. In assigning immigrants to particular employers, the Immigration Agent shall take care that they are not separated from their dependents.

Immigrants not to be separated from dependents.

50. The assignment may be made in such form as the Chief Commissioner shall by rule direct, and the Immigration Agent shall send each employer a copy authenticated by himself of the entry forwarded to him by the Emigration Agent under section thirty-two.

Form of assignment.

Such copy is hereinafter called "the employer's instrument."

51. The Immigration Agent shall endorse on the instrument of every immigrant assigned under section fifty an entry showing—

Entry of assignment in immigrant's instrument.

(*a*) the name and residence of his employer, and

(*b*) the period for which the immigrant is so assigned.

PART IV.

THE LABOUR DISTRICTS AND RELATIONS OF EMPLOYER AND IMMIGRANT.

Inspectors of Immigrants.

Appointment of Inspectors and Assistant Inspectors.

52. The Chief Commissioner may appoint so many Inspectors and Assistant Inspectors of Immigrants as he thinks proper, and may from time to time define, by notification in the *British Burma Gazette*, the local limits within which each such Inspector and Assistant Inspector shall exercise and perform the powers and duties conferred and imposed on him by this Act.

Powers of Inspectors.

The Chief Commissioner may confer all or any of the powers of a Magistrate on such Inspectors and Assistant Inspectors; and they shall be public servants within the meaning of the Indian Penal Code.

Return of immigrants to be sent in by employer, &c., to Inspector.

53. Every employer of immigrants under this Act shall, on such days and in such mode as may from time to time be prescribed by rule, under section eighty-seven, make out in writing, and deliver to the Inspector of Immigrants, a return of the number of immigrants so employed by him and their dependents (if any), and a return of the sickness and mortality among them during the preceding six months.

Penalty for refusing or omitting to send in return, or sending in incorrect return.

54. Any employer refusing, or wilfully omitting, to send in any such return as mentioned in the last preceding section, or knowingly sending in an incorrect return, shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred rupees;

and a certificate under the hand of the Inspector to whom such return ought to have been sent, stating that such return has not been received, or is incorrect as aforesaid, shall be received as *primâ facie* evidence of the truth of such statement.

Inspector's visits.

55. Every Inspector of Immigrants shall, so often as may be directed by the Chief Commissioner, visit all lands and houses within the

limits of his authority on or in which any immigrant is employed, and inspect every building or place in any way used by or for any such immigrants, or in or on which any such immigrants are employed and investigate the condition of such immigrants; and for such purpose the Inspector may require that any immigrant shall be produced before him with all papers relating to his contract under this Act, and may make such enquiries as may to him seem proper.

Power to inspect buildings, &c., and make enquiries as to immigrants.

56. Any Magistrate exercising jurisdiction in the district, and any person authorized by him in writing in this behalf, may at any time—

(*a*) enter and inspect any building or place wholly or partially used by or for immigrants,

(*b*) require that any immigrant or dependent be brought before him, and

(*c*) make any enquiries which he thinks proper touching the condition or treatment of any immigrant or dependent.

Penalty on person obstructing inspection, &c.

57. Any employer, and any person acting under his orders or on his behalf, who wilfully obstructs or impedes any visit, entry, inspection or enquiry under section fifty-five or section fifty-six, shall be liable for every such offence to a fine which may extend to five hundred rupees.

Suspension or Cancellation of Assignment.

Inspector may suspend assignment of immigrant temporarily unfitted for labour.

58. The Inspector of Immigrants, within the local limits of whose authority any immigrant is employed, may suspend, for such period as he thinks fit, the assignment of such immigrant, or any particular term of his contract under this Act, if he be in the judgment of the Inspector temporarily incapacitated for the performance thereof by reason of sickness, or other sufficient cause:

Provided that every such immigrant shall, during such incapacity, receive from his employer such subsistence money, not exceeding his wages as the Inspector thinks sufficient.

59. If any immigrant is compelled to perform any species of labour for which he is at the time manifestly unfit, or which is at variance with the terms of his assignment, the person so compelling him shall, on conviction by a Magistrate, be liable to a fine not exceeding one hundred rupees.

Penalty for compelling immigrant to perform work for which he is unfit.

60. If, in the opinion of the Inspector of Immigrants, any immigrant is permanently incapacitated for the performance of his contract, according to the terms of his assignment, the Inspector shall certify to that effect in writing, and deliver such certificate to the employer of such immigrant, or to his manager or agent, and from the date of such delivery the assignment of such immigrant shall be wholly vacated.

Power to discharge immigrant permanently unfitted for labour.

The Inspector shall report every such case to the Local Government, and the Local Government shall either provide for the employment and support of the immigrant and his dependents, or return them to the place at which they were registered.

Provisions for the Health and Comfort of Immigrants.

61. Every employer of immigrants shall be bound to provide for them sufficient and proper house-accommodation, water-supply, and sanitary arrangements, and such food as the Chief Commissioner may from time to time direct.

Sufficient house accommodation, &c., to be provided.

62. Any Inspector or Assistant Inspector who is himself a Magistrate, may institute within the local limits of his jurisdiction a local enquiry whether any employer has provided for his immigrants sufficient and proper house-accommodation, water-supply, sanitary arrangements, or food.

Powers of Inspector as to house-accommodation, &c.

At the instance of any Inspector or Assistant Inspector, a similar enquiry may be made by any Magistrate.

Every such enquiry shall be dealt with and conducted as an enquiry by a Magistrate under the Code of Criminal Procedure.

63. Any person disobeying rules passed under section eighty-seven, clause (*e*), shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may order compliance with such rules by the person bound to obey the same within a reasonable time to be fixed in the order.

Penalty for breach of rules as to house-accommodation.

If such person wilfully omits to comply with such order, he shall be liable to a fine not exceeding fifty rupees a day for every day that such omission continues.

If such person is an agent and fails to pay the fine, such fine shall be charged on the employer's land, and shall be recoverable in the manner provided by section ninety-one.

64. Wherever such hospital accommodation or medical charge, as required by rules made under section eighty-seven, or medicines of such quality and kind, and according to such scale as aforesaid, have not been provided, the employer or other person wilfully neglecting to provide the same shall be liable to a fine not exceeding one hundred rupees for every week during which any such default continues.

Penalty for breach of rules as to hospital.

Complaints against Immigrants.

65. Any immigrant who voluntarily and without reasonable cause absents himself from his employer's service,

Penalty on immigrant absenting himself without sufficient cause,

or without reasonable cause neglects or refuses to labour as required by his employer or according to the terms of his contract,

or neglecting to labour.

may, on conviction by a Magistrate, be sentenced to lose all claim to wages or allowances during such absence, neglect or refusal, and also to forfeit to his employer a sum not exceeding eight annas for each day during which such absence, neglect or refusal has continued; and in case such absence, neglect or refusal has exceeded seven days, or in case such immigrant has been already convicted of the same offence within a period of three months, he may be further sentenced at the request of the employer to imprisonment for fourteen days.

Explanation.—Ill-treatment of such immigrant by his employer, or the neglect of the employer to fulfil any condition

of the contract, may be 'reasonable cause' within the meaning of this section.

66. If any immigrant deserts or attempts to desert from his employer's service, such employer or any other person acting in his behalf may, without warrant, and without the assistance of any police officer (who, nevertheless, shall be bound to give such assistance if called upon to do so), apprehend such immigrant wherever he may be found:

Immigrant deserting may be apprehended without warrant.

Provided that if he be found in the service of another employer, he shall not be arrested without a warrant.

Proviso.

The employer or other person apprehending an immigrant under this section shall, within a reasonable time after such apprehension, give him in charge at the nearest police station, and there enter the charge upon which he has been apprehended.

Further proviso.

67. Any immigrant so given in charge shall be conveyed, without delay, to the nearest Magistrate having jurisdiction.

Immigrant, when made over to police, to be taken before nearest Magistrate.

If the place from which such immigrant is charged with having deserted be within the jurisdiction of such Magistrate, he shall himself adjudicate upon the charge; but if not, he shall forward the said immigrant, under custody, to the Magistrate within the ocal limits of whose jurisdiction such place is situate, who shall adjudicate upon such charge.

68. Every immigrant deserting from his employer's service shall be liable to imprisonment which may extend to one month.

Punishment for desertion.

Every immigrant who after having been so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to two months.

Every immigrant who after having been twice so convicted again deserts from his employer's service, shall be liable to imprisonment which may extend to three months.

69. Whenever any immigrant has actually suffered imprisonment amounting in the whole to six months for desertion or unlawful

Cancellation of contract by desertion.

absence from his employer's service, the Inspector shall, if the employer so desire, cancel the assignment of such immigrant by endorsement on the immigrant's instrument, or, if that is not forthcoming, by any writing under his hand.

Provisions regarding desertion and unlawful absence to apply to desertion in transit.

70. All the provisions of this Act regarding the desertion or unlawful absence of immigrants shall apply to immigrants who desert from any Government depôt, or while in transit to the district in which they are assigned to labour;

and such immigrants may be tried either in such district or in the district in which they may be apprehended.

Penalty for enticing away, harbouring or employing immigrants under contract to another person.

71. Whoever knowingly and wilfully entices away, harbours, or employs, or attempts to entice from his employment or from any depôt any immigrant before he has been lawfully released from his contract, shall be liable to a fine not exceeding five hundred rupees, and the convicting Magistrate may award to the employer of such immigrant the whole or any portion of such fine.

Portion of sentence may be cancelled if employer apply for return of immigrant.

72. The employer, or any person authorized to act for the employer, of any immigrant sentenced to imprisonment for any offence under this Act, may apply to the Magistrate, at any time before the expiry of such sentence, that such immigrant be made over to him for the purpose of completing his term of labour;

and the Magistrate may, if he see good cause, make over such immigrant to his employer, and in that case the Magistrate shall cancel the remainder of the sentence passed on the immigrant, and shall endorse on his instrument or, if such instrument is not forthcoming, shall give him a memorandum of such cancellation.

On expiry of sentence immigrant to be made over to employer.

73. When any immigrant has been sentenced to imprisonment for any offence under this Act, the Magistrate shall (subject to the provisions of section sixty-nine) make over such immigrant on the termination of his imprisonment to any person appointed on the part of his employer to receive charge of him;

and no conviction under this Act, or imprisonment under such conviction, shall, save as aforesaid, operate as a release to any immigrant from the terms of his contract.

Conviction not to operate as a release.

The period of imprisonment shall in no case be prolonged by reason of there being no person present on the part of the employer to take charge of the immigrant at the expiry of his sentence; but such immigrant shall, in that case, be sent to the place, or principal place of business, of such employer, and the expense of so sending him shall be levied from the employer in the manner provided by section ninety-one.

74. The duration of every unlawful absence from labour, of which any immigrant may be convicted, and every period of imprisonment for any offence under this Act, shall, on the request of the employer, be endorsed by the convicting Magistrate on the employer's instrument,

Time of unlawful absence and of imprisonment to be included in term of immigrant.

and no such period of imprisonment or unlawful absence so endorsed shall be reckoned as part of the term for which the immigrant is bound to serve, but such term shall extend to such further period as is equivalent to the aggregate amount of the imprisonment and unlawful absence so endorsed.

Complaints against Employers.

75. If any immigrant states to his employer, or to any person acting for such employer, that he desires to make a complaint to the Inspector of Immigrants of personal ill-usage or breach of any provision of this Act on the part of such employer or other person, the person to whom such statement has been made shall, within forty-eight hours, send notice thereof in writing to the Inspector, and in default of so doing such person shall be liable to a fine not exceeding one hundred rupees.

If immigrant desires to complain, employer to give notice to Inspector.

76. Whenever any Inspector of Immigrants receives such notice in writing as aforesaid, or has other reasonable grounds for believing that any immigrant within the local limits of his jurisdiction

Procedure on receipt of notice of complaint.

has been injured by personal ill-usage or breach of any provision of this Act as aforesaid, he shall, so soon as conveniently may be, make full enquiry into the matter complained of.

Procedure if complaint be untrue or frivolous.

77. If, upon such enquiry, the Inspector finds that the complaint is untrue or frivolous or vexatious, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his finding respecting it, and shall dismiss the complaint;

and in such case shall endorse on the employer's instrument the number of days during which the complainant has been absent from work in consequence of such enquiry,

and such number of days shall be added to the period for which the complainant had contracted to serve,

and every such endorsement shall be conclusive evidence that such immigrant has absented himself from his labour without sufficient cause during the number of days so endorsed.

When the complaint is frivolous and vexatious, the complainant shall be liable on conviction before a Magistrate to a fine not exceeding five rupees.

Procedure if complaint be well founded.

78. If, upon enquiry as aforesaid, the Inspector is of opinion that the complaint is well founded, he shall, if a Magistrate, dispose of the case in due course of law.

If the Inspector is not a Magistrate, he shall without delay send the complainant and his witnesses to the nearest Magistrate, and such Magistrate shall thereupon dispose of the case in due course of law.

Recovery of wages.

79. If, upon the complaint of any immigrant it is proved to the satisfaction of the Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of his wages for two months, such Magistrate may award to the complainant the amount which appears to be then due to him; and also, by way of compensation, such further sum, not exceeding that amount, as appears to the Magistrate to be just; and in case of default, the entire sum shall be recovered in manner provided by section ninety-one, and shall be paid to the complainant.

Compensation if wages are due for more than two months.

Cancellation of assignment.

80. If any employer, or any person placed in authority over any immigrant by such employer, is convicted of any offence causing injury to the person or property of such immigrant and triable under the Code of Criminal Procedure by the Court of Session;

or if any such employer, or other person as aforesaid, is twice convicted of any such offence against such immigrant triable under the said Code by a Magistrate;

or if it be proved before a Magistrate that the wages of such immigrant are in arrear to an amount exceeding the total of such wages for three months;

or if a Magistrate, on the report of the Inspector, and after due enquiry in the presence of the parties, is satisfied that any immigrant has been subjected to ill-usage by such employer or any other person placed in authority over the immigrant by such employer, or has been compelled by such employer or person to perform any labour when known to such employer or person to be unfit for it,

the Magistrate may, if he think fit, on the application of the immigrant, in each of such cases cancel the assignment of such immigrant, and award to him, in addition to the wages (if any) due for service performed, compensation not exceeding thirty rupees.

Every such cancelment shall be certified by the Magistrate on the back of the immigrant's instrument, or if such instrument be not forthcoming, by writing under the Magistrate's hand delivered to the immigrant.

The compensation may be recovered in manner provided by section ninety-one.

Determination of Assignments and Contracts.

Immigrant who has completed his assignment may have such completion endorsed.

81. Every immigrant assigned under this Act, on completing the term of his assignment or on the avoidance of the same, may appear before the Inspector or Immigration Agent, who shall, on being satisfied that the term has come to an end, make an entry to that effect on the immigrant's instrument.

82. Any employer or agent forcibly or fraudulently detaining an immigrant after the completion or avoidance of his assignment, or wilfully failing to give notice of such completion in accordance with rules prescribed under section eighty-seven, shall be liable to fine not exceeding five hundred rupees.

Penalty for forcibly detaining immigrant after completion of assignment, or for omitting to give notice of such completion.

83. Any immigrant who is not assigned under this Act may redeem the unexpired term of his contract of service by paying to the Immigration Agent such sum of money as will repay the expense incurred by Government under this Act and chargeable to such immigrant after taking into account any repayment already made by him; and the certificate of the Immigration Agent shall be conclusive evidence of the sum so chargeable.

Power of unassigned immigrant to redeem contract.

84. Any immigrant who is assigned under this Act, and who is desirous to redeem the unexpired term of his contract, may demand to be taken or allowed to go before the Inspector of Immigrants within the local limits of whose authority he may be employed.

Power of assigned immigrant to redeem contract.

The Inspector shall then inform him what is the price at which his contract may be redeemed;

and on his depositing that price in the hands of the Inspector, the Inspector shall give notice to the employer that such immigrant requires him, within one week, to show cause why such immigrant should not redeem his contract for the sum so deposited;

and if no sufficient cause be shown within that time or such enlarged time as the Inspector deems reasonable, he shall require the production of the immigrant's instrument and endorse thereon a certificate of redemption, and out of the sum in deposit the employer of such immigrant shall be paid the value of the unexpired term of assignment.

From and after the date of such endorsement the immigrant's contract shall be deemed to have determined.

The value of the unexpired term of assignment shall be such as is provided for by the terms of the assignment, or as may be fixed by any

Value of unexpired term of assignment.

rules made under section eighty-seven, clause (*g*), and in force at the date of the assignment.

Certificate of release from contract.

85. Every immigrant whose contract has been completed or otherwise determined, shall be entitled to receive forthwith from the Immigration Agent a certificate of release in such form as may from time to time be prescribed by the Chief Commissioner.

PART V.

SUBSIDIARY RULES.

Power of Local Government of port of embarkation.

86. The Local Government of every port of embarkation under this Act may from time to time make rules consistent with this Act to regulate the following matters:

(*a*) the fees payable under section fourteen;

(*b*) the form of notice of the arrival of emigrants at depôts;

(*c*) the management and regulation of depôts;

(*d*) the medical care of emigrants during their residence at the depôts and during transport;

(*e*) the clothing to be supplied to emigrants during transport;

(*f*) the mode of applying for licenses under section thirty-seven;

(*g*) the survey of emigrant vessels;

(*h*) the procedure on embarkation;

(*i*) the space to be provided for emigrants on board ships sailing from ports of embarkation under this Act;

(*j*) the provisions, fuel, and water to be laden on board such vessels, and the daily allowance to be issued to each emigrant;

(*k*) the medical officers, medicines, and medical requirements to be on board such vessels;

(*l*) the ventilation and cleanliness of vessels during the journey, the control of officers, cooks, and other servants, and generally the accommodation of emigrants.

Power of Chief Commissioner.

87. The Chief Commissioner may from time to time make rules consistent with this Act to regulate the following matters:

(*a*) the transport of immigrants from ports of debarkation

under this Act to the places of their respective employments, their medical inspection during such transport, their detainer at any place on the way on account of sickness, and the accommodation, support, and medical treatment of immigrants so detained;

(b) the diet, clothing, medical attendance, and management of immigrants in transit;

(c) the hospital-accommodation, medicine, and medical attendance to be provided by employers for their immigrants at the place of employment;

(d) the periodical inspection of immigrants; the books to be kept by Inspectors of immigrants; and the returns to be made by employers of immigrants;

(e) the house-accommodation, water-supply, sanitary arrangements, and supply of suitable food to be provided by employers for their immigrants;

(f) the notice to be given and forms to be observed on the termination of assignments of immigrants;

(g) the terms on which contracts and assignments of service may be redeemed;

(h) the hospital-accommodation and medical care of labourers, and the nature, quality, and quantity of medical drugs and other stores to be provided for them;

(i) and generally to provide for the security, well-being, and protection of immigrants.

Publication of rules.

88. All rules made under sections eighty-six and eighty-seven shall be published—

in the case of rules made under section eighty-six, in the local official Gazette;

in the case of rules made under section eighty-seven, in the *British Burma Gazette;*

and shall thereupon have the force of law.

Penalty for breach of rules.

Whoever wilfully contravenes any of the said rules, for the breach whereof no penalty is hereinbefore specially provided, may for every such offence be punished with fine which may extend to one thousand rupees, and in default of payment, with imprisonment for a term which may extend to six months.

PART VI.

MISCELLANEOUS.

Renewal of lost instruments.

89. If any employer's instrument or any immigrant's instrument be lost or destroyed, the Immigration Agent shall, on application of the employer or immigrant (as the case may be), and on payment of such fee as the Chief Commissioner may fix in this behalf, send the applicant a copy of the instrument so lost or destroyed; and for the purposes of this Act, every copy so delivered shall be deemed to be the original.

Copies made under Act to be evidence of contract.

90. All copies made under this Act shall be evidence of the contracts to which they respectively relate.

Recovery of balances due from employers under terms of assignment.

91. All balances due from any employer of immigrants under the terms of the assignments made to him under this Act may be levied by the Magistrate either by distress and sale of any moveable property belonging to such employer, or as if they were land-revenue due on account of the land on which the immigrants assigned to such employer are placed.

If the full amount is not recovered by the means aforesaid, the Chief Commissioner may declare the assignment of immigrants to such employer to be void so far as regards all or any of such immigrants, and the labour of the immigrants whose assignment is so vacated shall be again at the disposal of the Chief Commissioner according to section thirty-five.

Construction of former contracts.

92. All contracts for service in British Burma under the Chief Commissioner which have heretofore been entered into shall be construed as if, after the words "Secretary of State for India," the words "in Council" were inserted.

SCHEDULE A.

(*See section* 10.)

RECRUITER'S LICENSE.

Office of the Emigration Agent for British Burma at

. *A. B.* is hereby licensed under the British Burma Labour Law, 1876, to act as a recruiter in the district of

for the purposes of inducing and engaging persons to proceed to British Burma for the purpose of labouring for hire on behalf of the Chief Commissioner [*or* E. F., *or as the case may be*].

This license will be in force for one year only from this date.

Dated the *day of*

(Sd.) *C. D.*,
Emigration Agent.

SCHEDULE B.

(*See section* 14.)

CERTIFICATE OF MEDICAL OFFICER AS TO HEALTH OF INTENDING EMIGRANT.

I hereby certify that I have this day examined *A. B.*, and that he is, to the best of my belief and judgment, in a fit state of health, and able, in point of physical condition, to proceed to British Burma [and to work there].*

(Sd.) *C. D.*
[Here add designation of examining officer.]

ACT No. IV.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 8th February,* 1876.)

An Act to authorise Revenue Agents to practise in certain suits in the Munsifs' Courts of the Lower Provinces of Bengal.

Preamble.

WHEREAS, by Act No. XX of 1865, Revenue Agents are now prohibited from practising in Civil Courts; and it is expedient to authorise them to practise in Munsifs' Courts in suits under Bengal Act

* These words to be omitted in case of women and children not engaging for labour.

No. VIII of 1869 *(to amend the procedure in suits between Landlords and Tenants)*; It is hereby enacted as follows:—

Revenue Agents may appear, plead, and act in Munsifs' Courts in suits under Bengal Act VIII of 1869.

1. Notwithstanding anything contained in the said Act No. XX of 1865, all persons duly admitted and enrolled as Revenue Agents under the same Act, in the territories subject to the Lieutenant-Governor of Bengal, may appear, plead, and act in Munsifs' Courts in suits under Bengal Act No. VIII of 1869 *(to amend the procedure in suits between Landlords and Tenants)*, or under any other Act for the time being in force regulating the procedure in such suits.

ACT No. V.

THE REFORMATORY SCHOOLS ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th February, 1876.)

An Act to provide Reformatory Schools.

Preamble.

WHEREAS it is expedient to provide Reformatory Schools for male youthful offenders; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Reformatory Schools Act, 1876:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force in each Province of British India on such day as the Local Government by notification in the official Gazette directs in that behalf.

Section 318 of Code of Criminal Procedure repealed.

2. On and from that day section 318 of the Code of Criminal Procedure shall be repealed therein.

Interpretation-clause.

3. In this Act—

"Youthful offender."

"Youthful offender" means any boy who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment or transportation:

"Inspector-General."

"Inspector-General" includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector of Jails.

II.—*Reformatory Schools.*

Power to establish and discontinue Reformatory Schools.

4. With the previous sanction of the Governor General in Council, the Local Government may—

(*a*) establish Reformatory Schools at such places as it thinks fit,

(*b*) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,

(*c*) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

Requisites of schools.

5. Every school so established or used must provide—

(*a*) sufficient means of separating the inmates at night;

(*b*) proper sanitary arrangements, water-supply, food, clothing, and bedding for the youthful offenders detained therein;

(*c*) the means of giving such offenders industrial training;

(*d*) an infirmary or proper place for the reception of such offenders when sick.

Inspection of schools.

6. Every Reformatory School shall, before being used as such, be inspected by the Inspector-General of Jails, and if he reports that the requirements of section five have been complied with and that in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

Every such school shall from time to time, and at least once in every year, be visited by the said Inspector-General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

Power of Courts to direct youthful offenders to be sent to Reformatories.

7. Whenever any youthful offender is sentenced to transportation or imprisonment, and is in the judgment of the Court by which he is sentenced (*a*) under the age of sixteen years and (*b*) a proper person to be an inmate of a Reformatory School, the Court may direct that, instead of undergoing his sentence, he shall be sent to a Reformatory School, and be there detained for a period which shall be not less than two years and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

The powers so conferred on the Court shall be exercised only by (*a*) the High Court, (*b*) the Court of Session, (*c*) a Magistrate of the first class, and (*d*) a Magistrate of Police or Presidency Magistrate in the towns of Calcutta, Madras, and Bombay.

Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories.

8. Whenever any youthful offender under the age of sixteen years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such offender is confined may bring him before the Magistrate within whose jurisdiction such Jail is situate; and the Magistrate, if he thinks the offender (*a*) under the age of sixteen years and (*b*) a proper person to be an inmate of a Reformatory School, may direct him to be sent to a Reformatory School, and to be there detained for a period which shall be not less than two and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

"Magistrate" defined.

In this section "Magistrate" means in the towns of Calcutta, Madras, and Bombay, a Magistrate of Police or Presidency Magistrate, and elsewhere a Magistrate of the first class.

Government to determine Reformatory to which such offenders shall be sent.

9. Every youthful offender so directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may from time to time appoint for the reception of youthful offenders so dealt with by such Court or Magistrate.

Boys above eighteen not to be detained in school.

10. Nothing contained in section seven, eight or nine shall be deemed to authorize the detention in a Reformatory School of any person after he is proved to be above the age of eighteen years.

Discharge or removal by order of Government.

11. The Local Government may at any time order any youthful offender—

(*a*) to be discharged from a Reformatory School;

(*b*) if so discharged before the expiration of his sentence, to undergo the residue of such sentence at such place as the Local Government thinks fit; or

(*c*) to be removed from one Reformatory School to another such school situate within the territories subject to such Government, but so that the whole period of his detention in a Reformatory School shall not be increased by such removal.

III.—Management of Reformatory Schools.

Appointment of Superintendent and Committee of Visitors or Board of Management.

12. For the control and management of every Reformatory School, the Local Government shall appoint either (*a*) a Superintendent and a Committee of Visitors, or (*b*) a Board of Management.

Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be natives of India.

The Local Government may from time to time suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

Superintendent may license youthful offenders to employers of labor.

13. Every Superintendent so appointed may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under his hand, to live under the charge of any trustworthy and respectable

person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation or calling.

The license shall be in force for three months and no longer, but may, at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

Cancellation of license.

14. The license shall be cancelled at the desire of the employer named in the license;

If complaint of employers just, no fresh license until expiry of twelve months.

and if it appears to the Superintendent that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

Determination of license.

15. If during the term of the license the employer named therein die, or cease from business, or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

Cancellation of license in case of ill-treatment.

16. If it appears to the Superintendent that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

Superintendent to be deemed guardian of youthful offenders.

17. The Superintendent of any Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school within the meaning of Act No. XIX of 1850 *(concerning the binding of apprentices)*,

Power to apprentice youthful offender.

and if it appear to the Superintendent that any such offender licensed under section thirteen has behaved well during one or more periods of his license, the Superintendent may apprentice him under the provisions of the said Act, and on such apprenticement the right

to detain such offender in the school shall cease and the unexpired term (if any) of his sentence shall be cancelled.

Duties of Committee of Visitors.

18. Every Committee of Visitors appointed under section twelve for any Reformatory School shall, at least once in every month,

(*a*) visit the school, to hear complaints and see that the requirements of section five have been complied with, and that the management of the school is proper in all respects,

(*b*) examine the punishment-book,

(*c*) bring any special cases to the notice of the Inspector-General, and

(*d*) see that no person is illegally detained in the school.

Powers of Board of Management.

19. If in exercise of the power conferred by section twelve, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under sections thirteen to seventeen, both inclusive; and the license mentioned in section thirteen may be under the hand of their chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such school.

Power to appoint Trustees or other Managers of a school to be a Board of Management.

20. The Local Government may declare any body of Trustees or Managers of a school, who are willing to act in conformity with the rules referred to in section four, clause (*b*), to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

Power of Board to make rules.

21. With the previous sanction of the Local Government every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

(*a*) the conduct of business of the Board,

(*b*) the management of the school,

(*c*) the education and industrial training of youthful offenders,

(*d*) visits to and communication with youthful offenders,

(*e*) punishments for offences committed by youthful offenders,

(*f*) the granting of licenses for employment of youthful offenders.

In the absence of a Board of Management, the Local Government may from time to time make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in clauses (*b*), (*c*), (*d*), (*e*), and (*f*) of this section, and also the mode in which the Committee of Visitors shall conduct their business.

Power of Government of India to make rules.

22. The Governor General in Council may from time to time make rules consistent with this Act for regulating the periods for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to their ages, the nature of their respective offences, or other considerations.

All rules made under this section shall be published in the *Gazette of India.*

IV.—Offences in relation to Reformatory Schools.

Penalty for abetting escape of youthful offender.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

Arrest of escaped youthful offenders.

24. A police officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such school, or from his employer, and take him back to such school or to his employer.

ACT No. VI.

THE CHUTIA NAGPUR ENCUMBERED ESTATES ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th March, 1876.)

An Act to relieve certain Landholders in Chutia Nágpur.

Preamble.

WHEREAS it is expedient to provide for the relief of holders of land in Chutia Nágpur who may be in debt, and whose immoveable property may be subject to mortgages, charges, and liens; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called "The Chutia Nágpur Encumbered Estates Act, 1876."

II.—VESTING ORDER.

Power to vest management of property in an officer appointed by Commissioner.

2. Whenever any holder of immoveable property,

or (when such holder is a minor, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

or the person who would be heir to such holder if he died intestate,

or (when such person is a minor, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

or when any such property belonging to such holder has been attached in execution of a decree of a Civil Court, the Deputy Commissioner within whose jurisdiction such property is situate,

applies in writing to the Commissioner, stating that the holder of the said property is subject to, or that his said property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Commissioner may, with the previous consent of the Lieutenant-Governor of Bengal, by order published in the *Calcutta Gazette*, appoint an officer (hereinafter called the Manager,) and vest in him the management of the whole or any portion of the immoveable property of or to which the said holder is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him or his heir, during the continuance of such management.

Effect of order.

3. On such publication the following consequences shall ensue:—

Bar of suits.

First, all proceedings which may then be pending in any Civil Court in British India, in respect to such debts or liabilities, shall be barred; and all processes, executions, and attachments for or in respect of such debts and liabilities shall become null and void;

Freedom from arrest.

Secondly, so long as such management continues,

the holder of the said property and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the said holder was immediately before the said publication subject, or with which the property so vested as aforesaid or any part thereof was at the time of the said publication charged, other than debts due, or liabilities incurred, to Government,

Moveable property not liable to attachment for prior debts.

nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid; and

Cessation of power to alienate.

Thirdly, so long as such management continues,

(*a*) the holder of the said immoveable property and his heir shall be incompetent to mortgage, charge, lease or alienate their

immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

(b) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government, and

Immoveable property freed from attachment.

(c) the holder of the same property and his heir shall be incapable of entering into any contract which may involve them, or either of them, in pecuniary liability.

Cessation of power to contract.

III.—DUTIES OF MANAGER.

4. The Manager shall, during his management of the said immoveable property, receive and recover all rents and profits due in respect thereof; and shall, upon receiving such rents and profits, give receipts for the same.

Manager to receive rents and profits,

From the sums so received, he shall pay—

First, the Government revenue, and all debts or liabilities for the time being due or incurred to Government:

and pay therefrom the Government demand,

Secondly, in the case of under-tenures, the rent (if any) due to the superior landlord, in respect of the said property:

rent due to superior landlord,

Thirdly, such annual sum as appears to the Commissioner requisite for the maintenance of the holder of the property, his heir, and their families:

annual sum for maintenance of holder of property and his heir,

Fourthly, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Commissioner:

costs of repairs and improvements,

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the holder of the property and his heir, as may be established under the provisions hereinafter contained.

costs of management and the debts and liabilities.

IV.—SETTLEMENT OF DEBTS.

Notice to claimant against holder of property.

5. On the publication of the order vesting in him the management of the said property, the Manager shall publish a notice in English, Urdu, and Hindí, calling upon all persons having claims against the holder of the said property to notify the same in writing to such Manager within three months from the date of the publication.

Notice how published.

Such notice shall be published by being posted at the kachárís in the district or districts in which the said property lies, and at such other places as the Manager thinks fit.

Claim to contain full particulars.

6. Every such claimant shall, along with his claim, present full particulars thereof.

Documents to be given up.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Exclusion of documents not produced.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

Debt not duly notified to be barred.

7. Every debt or liability other than debts due, or liabilities incurred, to Government or (in the case of under-tenures), the rent due to the superior landlord, to which the holder of the property is subject, or with which the property is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections five and six, the Manager may admit his claim within the further period of nine months from the expiration of the said period of three months.

Provision for admission of claim within further period of nine months.

8. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of all principal debts and liabilities justly due to the several creditors of the holder of the property, and to persons holding mortgages, charges or liens thereon, and the interest (if any) due at the date of such determination in respect of such debts and liabilities.

Determination of debts.

9. If such property or any part thereof be in the possession of any person claiming to hold it under a lease, dated within the three years immediately preceding the publication of the order mentioned in section two, the Manager, with the sanction of the Deputy Commissioner and Commissioner (or of the Commissioner only if the Deputy Commissioner be himself the Manager), may inquire into the sufficiency of the consideration for which the lease was given; and if such consideration appear to him insufficient, may by order either set aside the lease or cause the person so in possession to pay such consideration for the said lease as the Manager thinks fit, and in default of such payment the lease shall be cancelled.

Power to enquire into consideration for leases.

Power to set aside leases.

10. An appeal against any refusal, admission, determination or order under section six, seven, eight or nine shall lie, if preferred within six weeks from the date thereof, to the Deputy Commissioner within whose jurisdiction the property is situate, and the decision of the Manager, if no such appeal has been so preferred, shall be final:

Appeal to Deputy Commissioner.

Provided that if the Deputy Commissioner be himself the Manager, the appeal shall lie to the Commissioner.

An appeal shall lie from any decision of the Deputy Commissioner, if preferred within six weeks of the date of his decision, to the

Appeal to Commissioner.

Commissioner, and the decision of such Commissioner, or of the Deputy Commissioner if no such appeal has been so preferred, shall be final.

Scheme for settlement of debts.

11. When the amount due in respect of the debts and liabilities mentioned in section eight has been finally determined, the Manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Commissioner, shall be carried into effect.

Power to return scheme for revision.

Until such approval is given, the Commissioner may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation of the scheme.

Restoration of owner to his property.

12. When all such debts and liabilities have been discharged,

or if, within six months after the publication of the order mentioned in section two, the Commissioner thinks that the provisions of this Act should not continue to apply to the case of the holder of the said property or his heir,

such holder or his heir shall be restored to the possession and enjoyment of the property, or of such part thereof as has not been sold by the Manager under the power contained in section eighteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Restoration to be notified.

Where the holder of the property or his heir is so restored under the circumstances mentioned in the second clause of this section, such restoration shall be notified in the *Calcutta Gazette*, and thereupon the proceedings, processes, executions, and attachments mentioned in section three (so far as they relate to debts and liabilities which the Manager has not paid off or compromised,)

Revival of barred proceedings and debts.

and the debts and liabilities barred by section seven, shall be revived; and any mortgagee or conditional vendee dispossessed under section

Reinstatement of mortgagees.

sixteen shall be reinstated, unless his claim under the mortgage or conditional sale has been satisfied;

Period of limitation as to revived proceedings and debts.

and in calculating the periods of limitation applicable to such revived proceedings, and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section two shall be excluded.

V.—Powers of Manager.

Power to call for further particulars.

13. The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

Power to summon witnesses and compel production of documents.

14. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

Investigation to be deemed a judicial proceeding.

15. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

Statements of persons examined to be evidence.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

Manager to have powers of holder of estate.

16. The Manager shall have, for the purposes of realizing and recovering the rents and profits of the said immoveable property, the same powers as the holder of the property would have had for such purpose if this Act had not been passed.

And if such property, or any part thereof, be in the possession of any mortgagee or conditional vendee, the Manager may apply to the Court of the Deputy Commissioner within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour, but without prejudice to the mortgagee or vendee preferring his claim under the provisions hereinbefore contained.

Power to remove mortgagee or conditional vendee in possession.

17. Subject to the rules made under section nineteen, the Manager shall have power to demise all or any part of the property under his management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

Power to lease.

18. The Manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the holder of the property is subject, or with which such property or any part thereof is charged,

Power to raise money by mortgage or sale.

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the holder of the property and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted is raised.

And the receipt of the Manager for any monies paid to him as such shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

Manager's receipts.

The power to mortgage conferred by this section shall not be exercisable until six months have elasped from the publication of the order mentioned in section two.

VI.—MISCELLANEOUS.

Power to make rules.

19. The Lieutenant-Governor of Bengal may, from time to time, make rules consistent with this Act to regulate the following matters:—

(a) the security to be required from subordinate officers under this Act,

(b) the notices to be given under this Act and the publication of such notices,

(c) the procedure to be followed in determining under section eight the debts and liabilities due to creditors and other persons, and in performing the other duties imposed on any officer by this Act,

(d) the allowance of interest on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment,

(e) the order of paying debts and liabilities so determined;

and generally for the guidance of officers in all matters connected with the enforcement of this Act.

Such rules, when approved by the Governor General in Council and published in the *Calcutta Gazette*, shall have the force of law.

Power to appoint new Managers.

20. Whenever the Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the property then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

Managers to be public servants.

21. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

22. No suit or other proceedings shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

Bar of suits.

23. Nothing in this Act precludes the Courts in Chutia Nágpur having jurisdiction in suits relating to the succession to, or claims of maintenance from, any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

Saving of jurisdiction of Courts in Chutia Nágpur in respect of certain suits.

24. Nothing in this Act shall be deemed to take away or abridge any power or authority conferred by an Act passed by the Lieutenant-Governor of Bengal in Council, entitled "An Act to ascertain, regulate, and record certain tenures in Chutia Nágpur," on any person appointed to be a Special Commissioner thereunder, or on the Commissioner of the division of Chutia Nágpur.

Act not to affect powers conferred by Bengal Act II of 1869.

ACT No. VII.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st March, 1876.)

An Act to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal, and to amend the same Act.

WHEREAS it is expedient to extend Act No. XXVII of 1871 *(for the Registration of Criminal Tribes and Eunuchs)* to the Lower Provinces of Bengal and to amend the same Act in manner hereinafter appearing; It is hereby enacted as follows:—

Preamble.

1. Section one of the said Act shall be read as if, after the words 'Lieutenant-Governors of,' the following word were inserted (namely), 'Bengal.'

Extension of Act XXVII of 1871, section 1, to Lower Provinces.

2. Section eighteen of the said Act shall be read as if in the second clause, after the words 'persons reside,' the following words were inserted (namely), 'or the agents of such landowners or occupiers.'

Amendment of section 18, Act XXVII of 1871.

Section twenty-one of the said Act shall be read as if in the first clause, after the words 'persons reside,' the following words were inserted (namely), 'or of the agent of any such owner or occupier,' and as if in the fourth clause, after the words 'occupier of land,' the following words were inserted (namely), 'or of the agent of such owner or occupier.'

Amendment of section 21, Act XXVII of 1871.

And section twenty-two of the same Act shall be read as if, after the words 'occupier of land,' the following words were inserted (namely), 'or the agent of such owner or occupier.'

Amendment of section 22, Act XXVII of 1871.

ACT No. VIII.

THE NATIVE PASSENGER SHIPS ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th March, 1876.)

An Act to consolidate and amend the law relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the law relating to Native Passenger Ships; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Native Passenger Ships Act, 1876."

Short title.

Extent and application of Act.

2. It extends to the whole of British India, and applies—

(*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;

(*b*) to all Native Indian subjects of Her Majesty without and beyond British India; and,

(*c*) subject to the exceptions mentioned in the subsequent part of this section, to vessels carrying more than thirty passengers, being Natives of Asia or Africa.

Nothing herein contained applies—

(*d*) to any Ship-of-War or Transport belonging to, or in the service of, Her Majesty;

(*e*) to any Ship-of-War belonging to any Foreign Prince or State;

(*f*) to any sailing-vessel not carrying as passengers more than thirty Natives of Asia or Africa;

(*g*) to any steamer not carrying as passengers more than sixty of such Natives;

(*h*) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India.

Commencement.

3. This Act shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India.*

Repeal of Acts.

4. On and from that day the Acts specified in the schedule hereto annexed shall be repealed.

But all ports, places, and officers appointed, and all certificates granted, under any of such Acts, shall be deemed to be respectively appointed and granted under this Act;

and the last clause of section one of Act No. II of 1860 *(to amend the law relating to the Carriage of Passengers by Sea)* shall be read as follows:—

"Voyages from ports in British India to ports in the Red Sea or Persian Gulf, under the Native Passenger Ships Act, 1876."

Interpretation-clause.

5. In this Act—

"Magistrate."

the expression "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes

a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants:

"Ship." the expression "ship" includes every description of vessel used in navigation not propelled by oars:

"Master." the expression "Master" includes every person (other than a pilot) having command or charge of a ship:

"Passenger." the expression "Passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include a person in attendance on another person who is not a Native of Asia or Africa, nor a child under one year of age:

"Voyage." the expression "voyage" means the whole distance between the ship's port of departure and her final port of arrival:

"Long voyage." the expression "long voyage" means any voyage during which the ship performing it will under ordinary circumstances be one hundred and twenty hours or upwards continuously out of port:

"Short voyage." the expression "short voyage" means any voyage during which the ship performing it will never under ordinary circumstances be one hundred and twenty hours continuously out of port:

Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is under ordinary circumstances more than five days from the next one. This is a short voyage.

"Chief Officer of Customs." the expression "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

CHAPTER II.

RULES FOR ALL VOYAGES.

Ship to sail only from ports appointed by Government.

6. No ship carrying passengers shall depart or proceed from, or shall discharge passengers at, any port or place within British India other than such ports and places as the Local Government may from time to time appoint in this behalf;

and after any ship has departed or proceeded upon any voyage from a port or place so appointed, no person shall be received on board as a passenger, except at some other port or place so appointed.

Master to give notice of day of sailing, &c.

7. The Master, Owner or Agent of every ship so departing or proceeding shall give notice to an officer authorized in this behalf by the Local Government that the ship is to carry Native passengers, and of her destination, and of the proposed time of sailing.

Such notice shall be given not less than twenty-four hours before such time.

Power to enter and inspect ship.

8. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions, and stores therein.

Not to sail without two certificates.

9. No ship intended to carry passengers shall commence any voyage from any port or place appointed under this Act, unless the Master holds two certificates to the effect hereinafter mentioned.

Port-clearance.

And the officer of Government whose duty it is to grant a port-clearance for such ship shall not grant the same unless the Master holds such certificates.

Contents of certificate A.

10. The first of such certificates (hereinafter called 'certificate A') shall state that the ship is sea-worthy and properly equipped, fitted, and ventilated; and the number of passengers that she is capable of carrying.

Contents of certificate B.

11. The second of such certificates (hereinafter called 'certificate B') shall state—

(*a*) the voyage which the ship is intended to make, and the intermediate ports (if any) at which she is intended to touch;

(*b*) that she has the proper complement of officers and seamen;

(*c*) that provisions, fuel, and pure water, over and above what is necessary for the crew, and the other things (if any) prescribed for the ship by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section;

(*d*) that the Master holds certificate A;

(*e*) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather;

(*f*) such other particulars (if any) as may for the time being be required for such ship under this Act.

Grant of certificate B.

12. The person by whom certificate B is to be granted shall in all cases be the officer referred to in section seven.

Grant of certificate A.

13. The person by whom certificate A is to be granted shall be the officer aforesaid, except that, if the Master of a ship produce to such officer either of the following certificates (namely)—

(*a*) a valid certificate granted by the Board of Trade or by any British Colonial Government;

(*b*) a certificate granted under the authority of any British Indian Government, and dated not more than six months before the proposed day of sailing,

and if the particulars required by section ten are certified thereby,

such officer may take any such certificate as evidence of such particulars, and it shall then be a valid certificate for the purposes of this Act.

14. After receiving the notice required by section seven, the officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the Master or Owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for her intended voyage:

Ship may be surveyed.

Provided that he shall not cause any ship holding any certificate mentioned in section thirteen, clause (*a*) or clause (*b*), to be surveyed unless, from the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for her intended voyage.

Proviso as to ships holding certificate mentioned in section 13

If the officer aforesaid causes a survey to be made of any vessel holding any such certificate, and if the surveyors report that the vessel is seaworthy and properly equipped, fitted and ventilated for her intended voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for her intended voyage, the expense of the survey shall be paid by the Local Government.

Expense of survey.

15. The officer authorized to grant a certificate under this Act, in respect of any ship, shall not grant the same, unless he is satisfied that she has not on board any cargo likely from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

Certificate not to be granted where cargo dangerous or dangerously stowed.

But save as aforesaid, and subject to the provisions of section sixteen, the grant or withholding of a certificate under this chapter shall in all cases be in the discretion of the officer aforesaid.

Discretion of officer.

16. In the exercise of such discretion such officer shall be subject to the control of the Local Government, or of any intermediate

Discretion to be subject to control of Government.

authority which that Government may from time to time appoint in this behalf.

Copy of certificate to be exhibited.

17. The Owner or Master shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of each of the said certificates granted by an officer appointed under this Act in respect of the ship, and shall keep such copies in such position during the voyage.

Contract by passengers for supply of their own provisions.

18. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who has contracted to furnish his own provisions, and who has, in the opinion of such officer as the Local Government appoints in this behalf, actually furnished such provisions of the quality and to the amount for the time being prescribed by rules made under section forty-six.

CHAPTER III.

RULES FOR SHORT VOYAGES.

Space to be provided for intermediate or between-decks passengers.

19. For seasons of fair weather, every ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and six superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by sails and performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and twelve superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine

superficial feet and fifty-four cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and nine superficial feet for each upper-deck passenger.

But in such seasons no ship shall carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather.

Ship taking additional passengers at intermediate port.

20. If any ship performing a short voyage takes any additional passengers on board at any intermediate port or place, the Master shall obtain a supplementary certificate from the proper officer at such port, stating—

(*a*) the number of passengers so taken on board, and

(*b*) that provisions, fuel, and pure water (over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by rule under section forty-six) have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the total number of passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section:

Provided that, if the certificate B held by the Master of such ship states that provisions, fuel, and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the full number of passengers that she is capable of carrying, the Master shall not be bound to obtain any such supplementary certificate.

Report of deaths on the voyage.

21. When the ship reaches her final port of arrival, the Master shall notify to such officer as the Governor General in Council may appoint in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

22. Every ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every passenger.

Space to be provided for passengers.

Every ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every passenger.

23. The Master of every such ship, before departing or proceeding on any long voyage from any port or place in British India, shall sign two statements, specifying the number and the respective sexes of all the passengers, and stating the number of the crew; and shall deliver them to the officer last aforesaid, who shall thereupon (after having first satisfied himself that the numbers are correct) countersign and return to the Master one of such statements.

Statement of passengers.

24. The Master shall note in writing on such last-mentioned statement, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

Deaths on voyage.

Procedure on arrival.

25. If, after the ship has departed or proceeded on any long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers,

Ship taking additional passengers and touching at intermediate port.

or if such ship upon her voyage touch or arrive at any such port, having previously received on board additional passengers at any place without British India,

the Master shall obtain a fresh certificate to the effect of certificate B from the proper officer at such port, and shall make additional statements specifying the number and the respective sexes of all such additional passengers;

and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or statement made under this section.

Bond when ship clears for port in Red Sea.

26. In the case of every ship sailing from any port within British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant such clearance unless and until the Owner, Agent or Master of such ship and two sureties resident in British India have by a joint and several bond become bound unto the Secretary of State for India in Council in the penal sum of five thousand rupees for the purpose of binding the ship to touch at Aden on the outward voyage, and there to obtain a clean bill of health, and to do the same on the homeward voyage if she continue (being propelled by sails) to carry more than thirty passengers, or (being propelled by steam or partly by steam and partly by sails) to carry more than sixty passengers.

Ships sailing to or from port in Red Sea to touch at Aden.

27. Every ship carrying more than thirty passengers being natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea,

or sailing from any port in the Red Sea to any port in British India,

shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

Bill of health.

28. No bill of health shall be granted under section twenty-six or section twenty-seven in case the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act.

CHAPTER V.

PENALTIES.

Penalty for ship unlawfully departing.

29. If any ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section six or section nine,

or if any person is received as a passenger on board a ship in contravention of the provisions of the second clause of section six,

the Owner or Master shall, for every passenger conveyed in such ship, or for every passenger so discharged or received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her Owner or Master have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions hereinafter contained.

Penalty for opposing entry on or inspection of ships.

30. Any person impeding or refusing to allow the entry or inspection authorized under this Act, shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Penalty for not exhibiting copy of certificate.

31. Any Owner or Master wilfully failing to comply with the requirements of section seventeen as to copies of certificates, shall, for every such failure, be liable to fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for non-compliance with requirements as to list of passengers.

32. Any Master failing to comply with any of the requirements of section twenty-three or section twenty-four, as to the statement of passengers,

or wilfully making any false entry or note in or on any such statement,

or wilfully failing to obtain any such supplementary certificate as is mentioned in section twenty, or to report deaths as required by section twenty-one, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section twenty-five,

Penalty for failing to obtain fresh certificate for additional passengers taken.

shall be liable to a fine not exceeding five hundred rupees for every such offence, or to imprisonment for a term not exceeding three months, or to both.

Penalty for fraudulent alteration in ship after certificate obtained.

33. Any Master who, after having obtained any of the certificates mentioned in section nine or section twenty, or section twenty-five, fraudulently does or suffers to be done anything whereby such certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which such certificate relates, shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for failing to supply passengers with prescribed provisions.

34. Any Master wilfully, and without satisfactory excuse, omitting to supply to any passenger the allowance of food, fuel, and water prescribed by rule made under this Act and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

Penalty for not obtaining bill of health.

35. The Master of any ship described in section twenty-seven, who wilfully fails to touch at Aden, or leaves that port without having obtained the bill of health therein mentioned, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for excess of number specified in certificate.

36. If any ship has on board any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, if arriving from a port where no certificate could be procured, has on board a number of passengers exceeding the number allowed by this Act for such ship, the Owner and Master

shall, for every passenger over and above the number allowed by the certificate, be each liable to a fine not exceeding twenty rupees, and the Master shall further be liable for each of such passengers to imprisonment not exceeding one week: Provided that the total term of imprisonment awarded under this section shall in no case exceed six months.

Any officer authorized in this behalf by the Local Government may cause all passengers over and above such number to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the Owner or Master of the ship as if such cost was a fine imposed under this Act, and a certificate under the hand of such officer shall be conclusive evidence of the amount of the cost aforesaid.

Penalty for bringing Native passengers from Eastern port in excess of authorized proportion.

37. If any ship bringing Native passengers from any port or place beyond British India, into any port or place in British India, has on board a greater number of passengers than in the proportion prescribed by section nineteen, section twenty-two, or section forty-nine (as the case may be), or than the number allowed by the license or certificate (if any) granted in respect of such ship at her port or place of departure, the Owner and Master shall, for every passenger in excess of such proportion or of the number so allowed, be each liable to a fine not exceeding twenty rupees.

Penalty for landing passenger at a place other than that at which he has contracted to land.

38. If the Master of any ship to which this Act applies lands any passenger at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for every such offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Procedure.

Adjudication of offences.

39. All offences against this Act shall be punishable in a summary manner by a Magistrate.

If the person on whom any fine is imposed under this Act is the Master or Owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.

Fine leviable by distress on ship.

40. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

41. The penalties to which Masters and Owners of ships are made liable by this Act shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

By whom proceedings for penalties to be instituted.

42. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

Application of fines.

43. Whenever, in the course of any legal proceeding under this Act, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British consular officer elsewhere, shall be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceeding is instituted:

Depositions receivable when witnesses cannot be produced.

Provided that such deposition shall not be admissible unless—

(a) it is authenticated by the signature of the Justice, Magistrate, or Consular Officer;

(b) it was made in the presence of the person accused, and

(c) the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

MISCELLANEOUS.

Information to be sent to ports of embarkation.

44. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions herein contained, send any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the officer at the port from which the ship commenced her voyage, and also to the officer at any other port within British India where the passengers or any of them embarked.

And any officer appointed under this Act may at any port or place in British India at which any ship to which this Act applies touches, board such ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and otherwise have been complied with.

Report of Consul.

45. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars, or a copy of the proceedings of any court of justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be

received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Power to make rules as to provisions, stores, boats, &c.

46. The Governor General in Council may from time to time make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters :—

(*a*) the scale on which provisions, fuel, and water are to be supplied to the passengers, and the quality of such provisions, fuel, and water;

(*b*) the medical stores and other appliances and fittings for maintaining health, cleanliness, and decency to be provided on board;

(*c*) the boats, anchors, and cables to be provided on board;

(*d*) the instruments for purposes of navigation to be supplied;

(*e*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(*f*) and, generally, to carry out the provisions of this Act.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

Appointment of officers.

47. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

Power to declare what shall be deemed 'seasons of fair weather' and 'long voyages.'

48. The Governor General in Council may from time to time declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and for sailing vessels and steamers, respectively, a "long voyage" and a "short voyage."

Power to prescribe space to be contained for passengers.

49. The Governor General in Council may from time to time direct, in the case of any ship or class of ships, and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be contained for the

passengers; and such direction shall override the provisions of sections nineteen and twenty-two so far as they apply to such ship or class of ships.

SCHEDULE.

(See section 4.)

Number and Year.	Title.
XXV of 1859 ...	An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.
XII of 1870 ...	An Act for the regulation of Native Passenger ships, and of Steam Vessels intended to convey Passengers on coasting voyages.
XII of 1872 ...	An Act to amend Act XII of 1870 *(The Native Passenger Ships Act)*.
Madras Act II of 1862 ...	An Act to extend the provisions of Act XXV of 1859, entitled an Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.

ACT No. IX.

THE NATIVE COINAGE ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th March, 1876.)

An Act to enable the Government of India to declare certain coins of Native States to be a legal tender in British India.

Preamble.

WHEREAS it is expedient to enable the Governor General in Council to declare that a tender of payment of money, if made in certain coins

made for or issued by Native States, shall be a legal tender in British India; It is hereby enacted as follows:

Short title.

1. This Act may be called "The Native Coinage Act, 1876:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Interpretation clause.

2. In this Act "Native State" means any State in India which is under the protection or political control of Her Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

Power to declare that the coins of a Native State shall be legal tender.

3. Subject to the provisions of section four, the Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that a tender of payment of money, if made in the coins, or the coins of any specified metal, made under this Act for any Native State, shall be a legal tender in British India;

and the provisions of the Indian Coinage Act, 1870, shall apply to the coins to which such notification refers, so far as such provisions are applicable thereto, and save as expressly provided by such notification.

When such power may be exercised.

4. The power conferred by the first clause of section three shall be exercisable only when the coins referred to in such notification comply with the following conditions (that is to say)—

in the case of coins of gold, silver or bronze,

(*a*) their fineness is identical with that for the time being prescribed by law for coins of the Government of India of the same metal;

in the case of coins whether of gold, silver, bronze or copper,

(*b*) they are identical in weight with some coins of the Government of India of the same metal, which may for the time being be legally coined at any Mint of the Government of India, or bear such relation thereto as is approved by the Governor General in Council;

(c) the devices upon their obverse and reverse differ from the devices on coins now made or issued by any such Native State, and have been approved by the Governor General in Council;

(d) upon each of such coins its value in money of the Government of India is inscribed in the English language;

(e) the Native State for which they are coined has undertaken to abstain, during a term of not less than thirty years, from the date of the notification, from coining in its own Mint gold, silver, bronze or copper, as the case may be, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under its authority or with its permission at any place within or without its jurisdiction;

(f) such State has formally declared that a tender of payment of money, if made in coins of the Government of India of the same metal shall, in the territories subject to such State, be a legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India;

(g) such State has also agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for such State under this Act, and that it will defray the cost of cutting and breaking them; and

(h) such State has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation.

Native States authorized to send metal to British India Mint for coinage.

5. It shall be lawful for any such State to send to any Mint in British India metal to be made into coin under this Act; and, subject to the Mint-rules for the time being in force, and to the provisions hereinafter contained, the Mint-master shall receive such metal and convert it into coin, provided that it be fit for coinage.

Nothing herein contained shall be deemed to entitle any such State to have coins made under this Act at any Mint of the

Government of India of any metal which is not for the time being legally coined at such Mint.

Power to impose a charge for coinage.

6. The Governor General in Council may impose on any metal sent to a Mint for coinage under this Act the duty (if any) leviable on the same metal under the Indian Coinage Act, 1870, and also a charge sufficient to defray the expenses of coinage over and above the expenses of assay and refining; and the Mint-master shall coin such metal at the charge so imposed.

Power to limit number of coins to be made under this Act for any Native State.

7. The Governor General in Council may, from time to time, with reference to the reasonable requirements of the population of any Native State, fix the maximum number of any coins of any particular metal that shall be coined under this Act.

ACT No. X.

THE BOMBAY REVENUE JURISDICTION ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th March, 1876.)

An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-revenue, and for other purposes.

Preamble.

WHEREAS in certain parts of the Presidency of Bombay the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency;

And whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

And whereas it is also expedient to amend the Bombay Civil Courts Act, section thirty-two, and to revive certain provisions of the thirteenth section of Regulation XVII of 1827 of the

Bombay Code, which was repealed by the Land Improvement Act, 1871, and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871;

It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1876:"

Commencement.

So much of section four as relates to claims to set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue shall come into force on such day as the Governor General in Council directs in that behalf by notification in the *Gazette of India.* The rest of this Act shall come into force on the passing thereof:

Extent.

And it shall extend to all the territories for the time being under the government of the Governor of Bombay in Council, but not so as to affect—

(*a*) any suit regarding the assessment of revenue on land situate in the Collectorate of Bombay, or the collection of such revenue;

(*b*) any of the provisions of Bombay Acts V of 1862 and VI of 1862, or of Act XV of 1871, or of Act XXIII of 1871;

(*c*) any suit instituted before the passing of this Act.

Repeal of enactments.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"Land."

"Land" includes the sites of villages, towns and cities; it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries, and all other benefits to arise out of land, and things attached to the earth, or permanently fastened to things attached to the earth:

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"Land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf of Government from any person on account of any land held by or vested in him, and any cess or rate authorized by Government under the provisions of any law for the time being in force:

"Land-revenue."

"Revenue officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

"Revenue officer."

4. Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:—

Bar of certain suits.

(*a*) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognized under Bombay Act No. III of 1874, or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed by Government or any officer duly authorized in that behalf, or

claims against Government relating to lands held under treaty, or to lands granted or held as saranjám, or on other political tenure, or to lands declared by Government or any officer duly authorized in that behalf to be held for service;

(*b*) objections—

to the amount or incidence of any assessment of land-revenue authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement or of any notification determining the period of settlement;

(*c*) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by

Government or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue;

(*d*) claims against Government—

(1) to be entered in the revenue survey or settlement records or village papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(2) to have any entry made in any record of a revenue survey or settlement, or

(3) to have any such entry either omitted or amended;

(*e*) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act IV of 1868, or any other law for the time being in force;

(*f*) claims against Government—

to hold land wholly or partially free from payment of land-revenue, or

to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging to Government;

(*g*) claims regarding boundaries fixed under Bombay Act No. I of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks:

Proviso.

Provided that if any person claim to hold land wholly or partially exempt from payment of land-revenue under—

(*h*) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(*i*) an instrument or sanad given by or by order of the Governor of Bombay in Council under Bombay Act No. II of 1863,

section one, clause first, or Bombay Act No. VII of 1863, section two, clause first, or

(*j*) any other written grant by the British Government expressly creating or confirming such exemption, or

(*k*) a judgment by a court of law, or an adjudication duly passed by a competent officer under Bombay Regulation XVII of 1827, chapter X, or under Act No. XI of 1852, which declares the particular property in dispute to be exempt;

such claim shall be cognizable in the Civil Courts.

Illustrations to (h).

(1). It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2). It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3). It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4). It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5). It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

Saving of certain suits.

5. Nothing in section four shall be held to prevent the Civil Courts from entertaining the following suits:—

(*a*) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue on the

ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had previous to such claim, payment, or recovery been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount;

(*b*) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement or in any village papers;

(*c*) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed or recovered from the latter;

and nothing in section four, clause (*g*) shall be held to prevent the Civil Courts from entertaining suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number.

Bar of certain suits against Revenue Officers.

6. Revenue Officers shall not be liable to be sued for damages in any Civil Court for any act *bonâ fide* done, or ordered to be done, by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue Officer absconds or does not attend when called on by his official superior, and if the Collector of the District proceeds against him or his sureties for public money, papers or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

Punishment or prosecution of Revenue Officers not a bar to civil remedies.

7. Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue Officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

Officers to answer in suits against them for acts done by order of superior authority.

8. If any act done by a Revenue Officer under orders from superior authority subsequently forms the ground of a civil suit against him, he shall appear and answer in such suit as if the act had been done solely by his own authority.

Appeals from proceedings of Revenue Officers.

9. In every case in which but for the passing of this Act any act or omission of a Revenue Officer would have been open to question in a Civil Court, any party aggrieved by such act or omission may, if no other appeal is given by any law for the time being in force, present an appeal, within two months from the date of such act or omission, to the immediate official superior of such officer; and if such official superior be of a grade inferior to that of a Commissioner of Revenue, then the party aggrieved by his decision on appeal may present a further appeal against such decision to the Commissioner of Revenue or such other officer as the Local Government appoints in this behalf.

Such further appeal must be presented within one month from the date of the decision complained of.

Any appeal under this section may be admitted after the period of limitation prescribed therefor when the appellant satisfies the officer appealed to that he had sufficient cause for not presenting the appeal within such period.

In computing any period of limitation so prescribed, the day on which the act, omission or decision complained of took place or was pronounced shall be excluded.

Power to Local Government to call for record.

10. The Local Government may call for and examine the record of the proceedings on appeal under section nine of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed by him, and may reverse or modify his order, or, if it think fit, may direct that additional evidence be taken, or that the appeal be reheard.

Suits not to be entertained unless plaintiff has exhausted right of appeal.

11. No Civil Court shall entertain any suit against Government on account of any act or omission of any Revenue Officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by

the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present.

12. If in the trial or investigation of any suit, claim or objection, which, but for the passing of this Act, might have been tried or investigated by a Civil Court, there arises any question on which the Governor General in Council or the Local Government desires to have the decision of the High Court, the Governor General in Council or the Local Government, as the case may be, may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court of Judicature at Bombay.

Power of Government to refer questions for the decision of the High Court.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and subject to any appeal which may be presented to Her Majesty in Council, the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

13. If in any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

Power of Civil Judge to refer questions of jurisdiction to High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be subject to appeal to Her Majesty in Council, and save as aforesaid shall be final.

14. Every reference under section twelve or section thirteen shall be heard by a Bench consisting of such number of Judges not less than three, as the Chief Justice from time to time directs.

Composition of Bench.

15. For section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, the following shall be substituted (namely): "No Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party, but in every such case such Judge or Court shall refer the plaintiff to the District Judge, in whose court alone (subject to the provisions of section nineteen) such suit shall be instituted."

Amendment of section 32 of Bombay Civil Courts Act.

16. Whenever any suit is brought in any District Court against Government,

or against any Revenue officer, and the Local Government undertakes the defence thereof,

Privileges of Government in suits in which it is concerned.

it shall be lawful for the Local Government, by certificate signed by a Secretary thereto, to require—

(*a*) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(*b*) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court;

and the Court shall give effect to every such requirement.

The privilege conferred on the Local Government by the clause (*b*) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

17. Notwithstanding any repeal effected by the Land Improvement Act, 1871, arrears of land-revenue of former years shall be recoverable by the Collector in the same way as current land-revenue, except that the preference given to demands for current land-revenue, as specified in section five of Bombay Regulation XVII of 1827, shall not extend to demands on account of the arrears for former years.

Revival of Bombay Regulation XVII of 1827, section 13.

Operation of same Regulation in sites of villages and towns.

So much of the said Regulation as is for the time being in force in any part of the territories to which this Act extends shall be deemed to be in force and to have always been in force in the sites of all villages, towns, and cities in such part.

Recovery of certain advances made by Local Government.

All advances made by the Local Government for purposes other than those specified in the Land Improvement Act, 1871, section three, may be recovered from the persons to whom such advances are made as if they were arrears of land-revenue.

SCHEDULE.

(See section 2.)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Title or abbreviated title.	Extent of repeal.
XVI of 1838 ...	Suits, Bombay ...	In section 1, the words "or of the wuttuns of hereditary district or village officers."
X of 1848 ...	An Act for annexing the lapsed State of Mandví to the Presidency of Bombay.	So much of section 2 as is not repealed.
XI of 1852 ...	An Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay.	Section 7.
VIII of 1853 ...	An Act for bringing the lapsed State of Colaba under the laws of the Presidency of Bombay.	So much of section 2 as is not repealed.

SCHEDULE.—*(Continued.)*

ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Title or abbreviated title.	Extent of repeal.
II of 1863 ...	An Act to facilitate the adjustment of unsettled claims to exemption from the payment of land-revenue, &c.	Section 13, from and including the words "it shall not" down to and including the words "is concerned." Section 14.
III of 1863 ...	An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Sattara, certain villages and lapsed States in the Collectorate of Sholapoor, &c.	Section 3.
VII of 1863 ...	An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, &c.	Section 2, clause 4. Section 28, from and including the words "it shall not" down to and including the words "the said Act." Section 29.
I of 1865 ...	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government in the districts belonging to the Presidency of Bombay, &c.	The proviso to section 14.
II of 1866 ...	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c.	So much as has not been repealed.
XIV of 1866 ...	An Act to bring the Pergunnas of Edulabad and Wurrungaon under the general Regulations and Acts of the Presidency of Bombay.	Section 2.
II of 1871 ...	An Act for imposing duties on the non-agricultural classes, &c.	Section 17, from and including the words "and no suit" to the end.

SCHEDULE.—(*Concluded.*)

BOMBAY REGULATIONS.

Number and year.	Title or abbreviated title.	Extent of repeal.
XVI of 1827 ...	A Regulation defining the duties of the Collector, and his powers, &c.	Section 6. Section 11, clause 5. Section 14, clause 4. Section 27, clause 3.
XVII of 1827 ...	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the land-revenue, &c.	Section 9. Section 16, clause 5.
XXIX of 1827 ..	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khándesh.	So much of section 6 as is not repealed.
V of 1830 ...	A Regulation providing for the appointment of a Revenue Commissioner, &c.	Section 1, clause 6, from the words "But if any act" to the end.
VII of 1830 ...	A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Mahratta Country, &c.	So much of section 2 as makes section 6 of Regulation XXIX of 1827 applicable to the territories comprised in the Southern Mahratta Country.

ACT No. XI.

THE PRESIDENCY BANKS ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

Received the assent of the Governor General on the 11th April, 1876.)

An Act for constituting and regulating the Banks of Bengal, Madras, and Bombay.

Preamble.

WHEREAS the Bank of Bengal is now constituted and regulated by Act No. IV of 1862, as amended by Acts No. VI of 1862 and No. XIX

of 1870, and its capital consists of twenty-two millions of rupees, in shares of one thousand rupees each;

And whereas the Bank of Madras is now constituted and regulated by Madras Act No. VI of 1866, as amended by Madras Act No. I of 1871, and its capital consists of five millions six hundred and twenty-five thousand rupees, in shares of one thousand rupees each;

And whereas a Bank named the Bank of Bombay was constituted and regulated by Bombay Act No. X of 1863, as amended by Bombay Acts No. XV of 1866 and No. I of 1867, but such Bank has been wound up and the said Bombay Acts are now obsolete and should be expressly repealed;

And whereas on the tenth day of December, 1867, a joint-stock Banking Company was registered and incorporated at Bombay, by virtue of the Indian Companies Act, 1866, under the name of "The New Bank of Bombay, Limited," with a Memorandum of Association and Articles of Association then also registered, and prescribing the constitution and regulations for the management of such Bank;

And whereas the Government of India now holds two thousand two hundred shares in the said Bank of Bengal, and five hundred and sixty-two and a half shares in the said Bank of Madras; and, under the provisions of the said Act No. IV of 1862 and Madras Act No. VI of 1866, is bound to appoint, and has power to remove, certain of the directors of the said Banks of Bengal and Madras respectively, and has also power to give a proxy to any person whom the Governor General in Council may appoint, to attend and vote at any meeting of the proprietors of each of the same Banks;

And whereas the Government of India has determined to sell its said shares and to surrender its said powers; and it is expedient to relieve the said Government from the said duty of appointing directors, and to repeal the said enactments and to consolidate such of them as relate to the said Banks of Bengal and Madras respectively with the changes rendered necessary or desirable by such sale, surrender, and relief;

And whereas it is expedient to reduce the said capital of the Bank of Bengal by two millions of rupees and to reduce the

said capital of the Bank of Madras by six hundred and twenty-five thousand rupees, and to divide the capital so reduced of each of the same Banks into shares of five hundred rupees each;

And whereas it is expedient that the said New Bank of Bombay, Limited, should be reconstituted and regulated, in manner in this Act provided, under the name of the Bank of Bombay;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Presidency Banks Act, 1876;"

Commencement.

And it shall come into force on the first day of May, 1876.

Repeal of enactments.

2. On and from that day the Statute specified in the first part of the schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof, and the Acts specified in the second, third, and fourth parts of the same schedule shall be wholly repealed. But all Bye-laws and regulations made under any such Act, and then in force, shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

References in Act X of 1866.

The references made in the Indian Companies Act, 1866, to the Bank of Bengal, the Bank of Madras, and the Bank of Bombay, shall be deemed to be made respectively to the Bank of Bengal, the Bank of Madras, and the Bank of Bombay as constituted by this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"The Bank" means the Bank of Bengal, the Bank of Madras, or the Bank of Bombay (as the case may be), as constituted and regulated by this Act:

"Capital" means the capital for the time being of the Bank:

"Shares" means the shares for the time being of the capital, and includes also half shares:

"Capital stock" means that part of the capital into which wholly paid-up shares have been converted or consolidated, and in the case of the Bank of Bengal and the Bank of Madras includes the present consolidated stock of such Banks respectively:

"Registered" means registered in the books of the Bank:

"Shareholders" means the duly registered holders from time to time of the shares of the Bank:

"Proprietors" means the duly registered holders from time to time of the capital stock of the Bank:

"Directors" means the directors assembled for the purpose of performing any of their functions under this Act:

"Board" means a meeting of the directors duly called and constituted, or, as the case may be, the directors assembled at a Board:

"Auditors" and "Secretary" mean those respective officers from time to time of the Bank, and "Secretary" includes a Secretary and Treasurer and a Deputy Secretary:

"General meeting" means the meeting of proprietors or shareholders or both, held annually under section forty-nine; it includes any adjourned holding thereof:

"Special meeting" means a meeting of proprietors or shareholders or both, held for the transaction of some particular business specified in the notice convening the meeting; it includes any adjourned holding thereof:

"Special resolution" means a resolution passed at a special meeting:

"Office" means the office or principal office for the time being of the Bank:

"Goods" includes also bullion, wares, and merchandise:

"Presidency of Fort St. George" means the territories now under the government of the Governor of Fort St. George in Council:

"Presidency of Bombay" means the territories now under the government of the Governor of Bombay in Council; and

"Presidency of Fort William" means all the territories in British India other than the Presidency of Fort St. George and the Presidency of Bombay.

CHAPTER II.

CONSTITUTION.

Proprietors and shareholders of present Banks to form bodies corporate,

4. The several persons who, when this Act comes into force, are respectively the proprietors and shareholders of the said Bank of Bengal, Bank of Madras, and New Bank of Bombay, Limited (hereinafter called the present Banks), or who shall, at any time thereafter, by virtue of this or any other Act regulating the Bank, become proprietors or shareholders, shall continue and constitute and be bodies corporate with perpetual succession, under the name,

in the case of the proprietors and shareholders of the said Bank of Bengal—of "The Bank of Bengal,"

in the case of the proprietors and shareholders of the said Bank of Madras—of "The Bank of Madras,"

and in the case of the shareholders and proprietors of the said New Bank of Bombay, Limited—of "The Bank of Bombay,"

and shall respectively possess and enjoy all the rights, powers, and immunities incident by law to a corporation aggregate; subject, nevertheless, to the provisions of this or any other Act for the time being in force regulating the Bank,

with limited liability.

and in particular, the proprietors of the Bank shall not be liable for its debts and engagements, and the shareholders of the Bank shall be so liable only to the extent of their shares not fully paid up.

Proprietors and shareholders of present Banks to be proprietors and shareholders of new Banks.

The several persons who are then proprietors and shareholders of each of the present Banks of Bengal and Madras, or the executors or administrators of such proprietors and shareholders respectively, shall be entitled to be registered as proprietors and holders of a like quantity of stock and a proportionate number of shares, as is or are then registered in their names respectively, or in the names of the persons whom they represent respectively in the books of each of the said present Banks of Bengal and Madras, two shares in the Bank of Bengal. as constituted by this Act being deemed equivalent to one share in the present Bank of Bengal, and two shares in the Bank of

Madras as constituted by this Act being deemed equivalent to one share in the present Bank of Madras,

and the several persons who are then shareholders of the said New Bank of Bombay, Limited, or the executors or administrators of such shareholders respectively, shall be registered as holders of a like number of shares of the Bank of Bombay as constituted by this Act as are then registered in their names respectively, or in the names of the persons whom they represent respectively in the books of the said New Bank of Bombay, Limited; and all such shares upon which the sum of five hundred rupees has then been paid, shall be deemed to have been fully paid up.

Property of present Banks to vest respectively in new Banks.

5. All the property, moveable and immoveable, and all the securities, claims and demands, and the benefits of all agreements, of or to which the present Banks are or shall be respectively possessed or entitled, or which shall, or but for this Act might be, on the said first day of May, 1876, or might at any time thereafter have been, due to, or claimed by, the said Banks respectively shall, by virtue of this Act, become vested in and devolve upon, and may be claimed, made and recovered by,

in the case of the said Bank of Bengal,—the Bank of Bengal as constituted by this Act,

in the case of the said Bank of Madras,—the Bank of Madras as constituted by this Act,

and in the case of the said New Bank of Bombay, Limited,—the Bank of Bombay as constituted by this Act;

Claims against present Banks

and the Bank shall, from and after the said first day of May, 1876, be liable and subject to all debts, claims and demands which shall then be due or claimable from, or which, but for this Act, might be then, or might at any time thereafter, have been due or claimable from or made against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, as the case may be,

and no suit or legal proceeding then pending by or against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, shall cease, or abate, or become defective, in consequence of this Act, but may be continued and prosecuted by or against the Bank.

New Bank of Bombay, Limited, wound-up.

6. The transfer of the assets and liabilities of the said New Bank of Bombay, Limited, to the Bank of Bombay by virtue of this Act, shall operate as a winding-up and liquidation of the said New Bank of Bombay, Limited.

No shareholder or creditor of the said New Bank of Bombay, Limited, shall take any proceedings for winding-up the same under the Indian Companies Act, 1866, or any Act for the time being in force relating to the winding-up of Companies;

and no person shall make, assert or take any claims, demands or proceedings against the same Bank, or the directors or officers thereof, except so far as may be necessary for enforcing the provisions of this or any other Act for the time being in force regulating the Bank of Bombay.

Banks to sue and be sued in corporate name,

7. The Bank shall sue and be sued by its said corporate name;

and use corporate seals;

and shall use such corporate seal as the directors from time to time appoint;

and may hold and transfer property.

and may as such body corporate acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any property whatsoever, moveable or immoveable, and transfer, assign, and convey the same.

Seal how used.

8. The seal of the Bank shall not be affixed to any instrument except in the presence of at least two directors and of the Secretary and Treasurer, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness.

Unless so signed as aforesaid, such instrument shall be of no validity.

Contracts how made.

9. Contracts may be made on behalf of the Bank as follows:—

(*a*) any contract, which, if made between private persons, would be by law required to be in writing, and, if made according to English law, to be under seal, may be made on behalf of the Bank in writing under its corporate seal, and such contract may be in the same manner varied or discharged:

(b) any contract, which, if made between private persons, would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Bank by writing signed by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged:

(c) any contract, which, if made between private persons, would by law be valid, although made by parol only and not reduced in writing, may be made by parol on behalf of the Bank by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged;

and all contracts made according to the provisions herein contained shall be effectual in law and shall be binding upon the Bank and other parties thereto and their legal representatives.

CHAPTER III.

CAPITAL.

Capital of Bank of Bengal.

10. The capital of the Bank Bengal shall consist of twenty millions of rupees in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to thirty millions of rupees.

Capital of Bank of Madras.

The capital of the Bank of Madras shall consist of five millions of rupees, in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to twelve millions of rupees.

Capital of Bank of Bombay.

The capital of the Bank of Bombay shall consist of ten millions of rupees in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to twenty millions of rupees.

Capital of New Bank of Bombay, Limited, to be capital of Bank of Bombay.

11. The capital of the said New Bank of Bombay, Limited, already created, shall, on the first day of May, 1876, constitute the capital of the Bank of Bombay, subject to be increased as aforesaid.

12. Any shareholder may from time to time surrender his wholly paid-up shares, or any of them, to the directors, and demand and receive from the Bank, in lieu thereof, capital stock to the amount represented by the shares so surrendered,

Surrender of paid-up shares for stock.

and any proprietor may from time to time surrender his stock, or any portion thereof, to the directors, and demand and receive from the Bank, in lieu thereof, shares to the like amount, or as near thereto as practicable.

Surrender of stock for shares.

13. The proprietors and shareholders of the Bank may from time to time by special resolution and with the previous sanction of the Governor General in Council increase or reduce the capital of the Bank:

Power to increase or reduce capital.

Provided that no such special resolution shall be deemed to have been passed, unless at least one-third in number of the proprietors or shareholders, holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open voting in favour of the said resolution.

14. When any such special resolution to increase the capital has been passed, the directors may, subject to the provisions of this or any other Act for the time being in force regulating such Bank, and to the special direction (if any) given in reference thereto by the meeting at which such resolution has been passed,

Procedure on resolution to increase capital.

(*a*) make such orders as they think fit for the opening of subscriptions towards such increase of capital by the proprietors and shareholders;

(*b*) allow to the proprietors and shareholders such period to fill up the subscription as to the directors seem fit;

(*c*) prescribe the manner in which the proprietors and shareholders shall subscribe and pay into the Bank the proportions of new capital which they may respectively desire to subscribe; and

(*d*) make such orders as the directors think fit for the disposal and allotment of the amount of new capital that may not be subscribed for and paid up in manner aforesaid:

Provided that the capital shall not exceed, in the case of the Bank of Bengal, thirty millions of rupees, in the case of the Bank of Madras, twelve millions of rupees, and in the case of the Bank of Bombay, twenty millions of rupees.

Procedure on resolution to reduce capital.

15. When any such special resolution to reduce the capital has been passed, the directors may (subject as aforesaid) prescribe the manner in which the reduction shall be carried into effect.

New capital to be subject to provisions of Act.

16. Any new capital created under the provisions of section thirteen shall be subject to the provisions of this or any other Act regulating the Bank in force for the time being.

CHAPTER IV.

Forfeiture of Stock and Shares.

Powers in regard to proprietors or shareholders indebted to Bank.

17. If any proprietor or shareholder is indebted to the Bank, the Bank may withhold payment of the dividends on the stock or shares of such proprietor or shareholder not being registered as held in trust, or as executor or administrator, and apply them in payment of the debt;

and the Bank may refuse to register the transfer of any such stock or shares until payment of such debt;

and after demand and default of payment, and notice in that behalf given to such proprietor or shareholder, or his constituted agent, or by public advertisement in the local official gazette, if the debt remain unpaid for the space of three months after such notice, the Bank may advertise in the local official gazette such stock or shares for sale on a day not less than fifteen days from the publication of such advertisement;

and may, on such day, sell by public auction, and subject to such conditions, if any, as the Bank thinks fit, such stock or shares, or so much or so many thereof as may be necessary, and apply the proceeds thereof in or towards payment of the said debt, with interest, from the day appointed for the payment of such debt to the time of actual payment, at such rate as may

have been agreed upon, or, in the absence of such agreement, at the highest rate current for advances by way of local discounts by the Bank;

and shall pay over the surplus, if any, to such proprietor or shareholder or to his lawful representative.

CHAPTER V.

CERTIFICATES, TRANSFER AND TRANSMISSION OF SHARES AND STOCK.

Certificates for shares.

18. Every shareholder shall be entitled to a certificate, under the corporate seal of the Bank, and signed by two Directors and the Secretary and Treasurer, specifying the shares held by him, and in the case of shares which are not wholly paid up, the amount paid thereon,

and any holder of more than one half share may, at his option, demand a certificate for each such half share, or one or more certificates for all or any of such half shares, and such certificate or certificates shall be delivered to him accordingly: Provided that the number of such certificates shall in no case exceed the number of half shares in respect of which they are so delivered.

Receipts for stock.

Every proprietor of capital stock shall be entitled to a receipt signed by two Directors and the Secretary and Treasurer, and specifying the amount of stock held by him, and any such proprietor may, at his option, demand one receipt for the whole of the stock, or separate receipts for any portions of the stock, so held by him, and such receipt or receipts shall be delivered to him, accordingly: Provided that no receipt shall be delivered for a portion of stock less than two hundred and fifty rupees.

Fees for certificates and receipts.

For every certificate and receipt delivered under this section there shall be paid such fee as may for the time being be prescribed under section sixty-three, clause (*k*): Provided that no fee shall be payable for certificates or receipts delivered to the persons referred to in section four for shares in or stock of the Bank.

Every such certificate and receipt shall be *primâ facie* evidence of the title of the shareholder or proprietor to the shares or stock therein specified.

Certificates and receipts to be evidence.

19. The stock and shares of every proprietor and shareholder shall be moveable property, capable of being transferred in manner provided by the regulations contained herein, or in any other Act regulating the Bank for the time being in force, and shall not be of the nature of immoveable property; and each share shall be distinguished by its appropriate number.

Stock and shares to be moveable property.

20. Every transfer of stock or shares may be by endorsement on the certificate or in such other form as the Board from time to time may approve, and shall be presented to the Bank accompanied by such evidence as the Board may require to prove the title of the transferor.

Form of transfer to be approved by Board.

Every such transfer shall be verified in such manner as the Board require, and the Board may refuse to register any such transfer until the same be so verified, and, in the case of shares not fully paid up, unless the transferee is approved by the Board.

Board may require evidence of transmission.

The transferor shall be deemed to remain the proprietor or holder of the stock or shares transferred until the name of the transferee is registered in respect thereof.

Transferor to remain proprietor till transfer registered.

21. The directors may from time to time close the register and transfer-books of the Bank for any period or periods not exceeding in the whole thirty days in any twelve consecutive months.

Power to close transfer-books.

22. The proprietors and shareholders for the time being, and no other persons, shall be members respectively of the bodies corporate hereby constituted,

Corporation to consist of registered proprietors or shareholders only.

and, except for the purpose of excluding the provisions of section seventeen, the Bank shall not be bound or affected by notice of any

Notice of trusts.

trust to which any stock or share may be subject in the hands of the proprietor or holder thereof;

Shares vested in several holders.

and when any stock or share is vested in more than one proprietor or holder, such proprietors or shareholders shall, as between themselves and the Bank, be considered as joint owners with benefit of survivorship:

Provided that, as regards voting at meetings, service of notices, and receipt of dividend, the person whose name stands first in the register as one of the proprietors or holders of such stock or shares shall be deemed the sole proprietor or holder thereof.

Transmission of stock or shares of deceased proprietors or shareholders.

23. When by the death of any proprietor or shareholder his stock or shares shall devolve on his legal representative, the Bank shall not be bound to recognize any legal representative of such proprietor or shareholder other than a person who has taken out from a Court having jurisdiction in this behalf probate of the will or letters of administration to the estate of the deceased.

Transmission on insolvency or marriage.

Any person becoming entitled to stock or shares in consequence of the insolvency or bankruptcy of any proprietor or shareholder, or in consequence of the marriage of any female proprietor or shareholder, may be registered as a proprietor or shareholder upon such evidence being produced as the directors may from time to time require.

CHAPTER VI.

DIRECTORS.

Board.

24. The business of the Bank shall be managed by the Board, which shall in the first instance consist of six directors, and may subsequently consist of such number, not less than six, and not more than nine, as may be fixed by a special resolution.

Such directors shall be selected by vote of a general or special meeting.

Quorum.

Three of the directors shall form a quorum for the transaction of business.

25. The persons who, on the first day of May, 1876, are respectively directors of the Bank of Bengal, the Bank of Madras, and the new Bank of Bombay, Limited, shall be respectively directors of the Bank of Bengal, the Bank of Madras, and the Bank of Bombay, as constituted by this Act, subject to removal as hereinafter provided and to the other provisions herein contained.

Present directors to be continued.

26. The two directors who have been longest in office shall go out of office at the general meeting.

Two directors to go out by rotation annually.

Any director so retiring may be re-elected at such meeting; and if any question arise as to which of the directors who have been the same time in office shall retire, such question shall be decided by the directors by ballot.

27. *Clause* 1.—No person shall be qualified to serve as a director of a Bank who is not a proprietor or holder in his own right of unencumbered stock or shares of such Bank, to the nominal amount of ten thousand rupees at the least.

Qualification of directors.

Disqualification of directors.

Clause 2.—No person shall be qualified to serve as a director—

If he holds the office of director, provisional director, promoter, agent or manager of any other joint-stock Bank established, or having a branch or agency, in British India, or advertised as about to be established, or to have a branch or agency, in British India; or

If he is a salaried officer of Government not specially authorized by the Governor General in Council to serve as a director;

And the office of director shall be vacated—

If the person holding it resigns his office or dies;

If he accepts or holds any other office of profit under the Bank;

If he becomes insolvent or bankrupt, or compounds with his creditors;

If he is declared lunatic, or becomes of unsound mind;

If he is absent from the Board for more than three consecutive months;

If he ceases to hold in his own right the amount or number of unencumbered stock or shares required to qualify him for the office.

Clause 3.—No two persons who are partners of the same mercantile firm, or one of whom is the general agent of, or holds a power of procuration from, the other, or from a mercantile firm of which the other is a partner, shall be eligible or qualified to serve as directors at the same time.

Co-partners of same firm not to serve as directors at same time.

Clause 4.—The proprietors or shareholders may, by a special resolution passed by the votes of proprietors or shareholders holding in the aggregate not less than one-half of the capital, remove any director before the expiration of his period of office, and appoint, in his stead, a qualified person, who shall in all respects stand in his place.

Power to remove directors.

28. At the first meeting of the directors in every year, they shall choose a president and vice-president from among themselves, and whenever the office of president or vice-president becomes vacant, they shall, at their next meeting, choose a successor for the remainder of the current year.

Directors to choose president and vice-president.

The president, or in his absence the vice-president, shall be chairman at all meetings whether of directors or of proprietors or shareholders, or of proprietors and shareholders, and shall have an additional or casting vote in all cases of an equal division of votes: Provided that if both the president and vice-president be absent at any meeting, the directors present shall elect a chairman for such meeting, from among themselves, and such chairman shall, in case of an equal division of votes, have an additional or casting vote.

Chairman.

Casting vote.

29. The Board shall have power at any time, and from time to time, to supply any vacancies in their number arising from the death, resignation, or disqualification under section twenty-seven, of any director.

Vacancies among directors how filled up.

Any director so appointed shall, for the purposes of section twenty-six, be considered to have held office from the date on which the director in whose place he is appointed was elected, or (where such director was appointed under this section) from the date on which his mediate or immediate predecessor was elected.

Acts of directors valid notwithstanding subsequent discovery of disqualification.

30. All acts done by any person acting in good faith as a director shall be as valid as if he was a director, notwithstanding it be afterwards discovered that there was some defect in his appointment or qualification.

Indemnity of directors.

31. Every director shall be indemnified by the Bank against all losses and expenses incurred by him in or about the discharge of his duties, except such as happen from his own wilful act or default.

No director shall be responsible for any other director or for any officer, clerk or servant of the Bank, or for any loss or expense happening to the Bank by the insufficiency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Bank, or by the insolvency, bankruptcy or wrongful act of any customer or debtor of the Bank, or by anything done in the execution of the duties of his office or in relation thereto, or otherwise than for his own wilful act or default.

CHAPTER VII.

OFFICERS OF THE BANK.

32. The directors shall have power—

Appointment, salaries, suspension, and removal of officers.

to appoint such officers, clerks, and servants as may be necessary to conduct the business of the Bank,

to grant salaries, pensions, and other emoluments to such officers, clerks, and servants, and

to suspend or remove any officer, clerk or servant of the Bank.

33. The Secretary and such other officers of the Bank as the directors may by writing notify in the local official Gazette (and, in the case of the Bank of Bengal, also in the *Gazette of India*) are hereby severally empowered for and on behalf of the Bank to endorse and transfer promissory notes, stock-receipts, stock, debentures, shares, securities, and documents of title to goods, standing in the name of, or held by, the Bank,

Accounts, receipts, and documents of Bank by whom to be signed.

and to draw, accept, and endorse bills of exchange, bankpost-bills, and letters of credit, in the current and authorized business of the Bank,

and to sign all other accounts, receipts, and documents connected with such business.

34. No Secretary, Inspector, Manager, or Accountant in the service of the Bank,

Officers forbidden to engage in other commercial business.

and no Khazánchi, Cashier, or Shroff in the service of the Bank at the principal office,

and, without the previous sanction of the Board, no Agent, Khazánchi, Cashier, or Shroff at any branch or agency of the Bank,

shall engage in any other banking or commercial business, either on his own account or as agent for any other person or persons, or shall act as broker or agent for the sale or purchase of Government or other securities.

35. Every person appointed to hold, or act in, any one or more of the said offices, and every other officer from whom the directors may from time to time think fit to require it, shall give security to the directors, for the faithful discharge of his duty to the satisfaction of the directors, in such amount and in such manner as they think proper.

Security from officers.

The security to be given as aforesaid by the person holding or acting in the office of Secretary shall not be in a less amount than fifty thousand rupees.

CHAPTER VIII.

BUSINESS.

Business which Banks may transact.

36. The Bank is authorized to carry on and transact the several kinds of business hereinafter specified (that is to say):

(a) the advancing and lending money, and opening cash-credits, upon the security of—

(1) promissory notes, debentures, stock, and other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland;

(2) bonds, debentures, and annuities charged by the Imperial Parliament on the revenues of India;

(3) stock or debentures of, or shares in, Railway or other Companies, the interest whereon shall have been guaranteed by the Secretary of State for India in Council;

(4) debentures or other securities for money issued by, or on behalf of, any municipal body under the authority of any Act of a legislature established in British India:

(5) bullion or other goods which, or the documents of title to which, are deposited with, or assigned to, the Bank as security for such advances, loans or credits; and

(6) accepted bills of exchange and promissory notes indorsed by the payees:

Provided that such advances and loans may be made, if the directors think fit, to the Secretary of State for India in Council, without any specific security;

(b) the selling and realization of the proceeds of sale of any such promissory notes, debentures, stock-receipts, bonds, annuities, stock, shares, securities, bullion or goods which, or the documents of title to which, have been deposited with, or assigned to, the Bank as security for such advances, loans or credits, or which are held by the Bank, or over which the Bank is entitled to any lien or charge in respect of any such loan or advance or credit or any debt or claim of the Bank, and which have not been redeemed in due time in accordance with the terms and conditions (if any) of such deposit or assignment;

(*c*) the drawing, discounting, buying, and selling of bills of exchange and other negotiable securities payable in India, or (in the case of the Bank of Madras) in Ceylon;

(*d*) the investing of the funds of the Bank upon any of the securities specified in paragraph (*a*) of this section, clauses (1), (2), (3), and (4), and converting the same into money when required,

and from time to time altering, converting, and transposing such investments for or into others of the investments above specified;

(*e*) the making, issuing, and circulating of bankpost-bills and letters of credit made payable in India, or (in the case of the Bank of Madras) in Ceylon, to order, or otherwise than to the bearer on demand;

(*f*) the buying and selling of gold and silver, whether coined or uncoined;

(*g*) the receiving of deposits and keeping cash-accounts on such terms as may be agreed on;

(*h*) the acceptance of the charge and management of plate, jewels, title-deeds or other valuable goods on such terms as may be agreed upon;

(*i*) the selling and realizing of all property whether moveable or immoveable, which may in any way come into the possession of the Bank in satisfaction or part satisfaction of any of its claims;

(*j*) the transacting of pecuniary agency business on commission;

(*k*) the acting as agent on commission in the transaction of the following kinds of business (namely):—

(1) the buying, selling, transferring, and taking charge of any securities, or any shares in any public Company;

(2) the receiving of the proceeds, whether principal, interest or dividends, of any securities or shares;

(3) the remittance of such proceeds at the risk of the principal by public or private bills of exchange, payable either in India or elsewhere;

(*l*) the drawing of bills of exchange, and the granting of letters of credit, payable out of India, for the use of principals

for the purpose of the remittances mentioned in the last preceding clause of this section;

(*m*) the buying, for the purpose of meeting such bills or letters of credit, of bills of exchange payable out of India, at any usance not exceeding six months;

(*n*) and, generally, the doing of all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business hereinbefore specified.

(*o*) It shall also be lawful for the Bank under any arrangement or agreement with the Secretary of State for India in Council—

(1) to act as banker for, and to pay, receive, collect, and remit money, bullion, and securities on behalf of the Government;

(2) to undertake and transact any other business which the Government may from time to time entrust to the Bank.

And the directors shall have power from time to time to arrange and settle with the Governor General in Council the terms of remuneration on which such business shall be undertaken by the Bank, and also as to the examination and audit from time to time of the accounts and affairs of the Bank by or on behalf of the Governor General in Council.

Business which Banks may not transact.

37. The directors shall not transact any kind of banking business other than those above specified, and in particular they shall not make any loan or advance—

(*a*) for a longer period than three months; or

(*b*) upon the security of stock or shares of the Bank of which they are directors; or

(*c*) upon mortgage, or in any other manner upon the security, of any immoveable property, or the documents of title relating thereto.

(*d*) Nor shall they lend or advance, by discount of bills or otherwise, to any individual or partnership firm (except upon the security mentioned in section thirty-six, paragraph (*a*), numbers (1) to (5) inclusive), any sums of money exceeding in the whole at any one time such sum as may be prescribed by the bye-laws for the time being in force.

(*e*) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable instrument of any individual or partnership firm, payable in the town or at the place where it is presented for discount, which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership.

(*f*) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable security having at the date of the proposed transaction a longer period to run than three months, or if drawn after sight, drawn for a longer period than three months: Provided that, in the case of the Bank of Madras, the directors may discount negotiable securities payable in Ceylon having at the date of the transaction a period to run not exceeding four months.

Overdrawing.

Nothing contained in this Act shall be deemed to prevent the directors from allowing any person who keeps an account with the Bank from overdrawing such account, without security, to the extent of sums not exceeding at any one time two thousand rupees in the whole.

Sums payable by or to Government to be payable at Banks.

38. Until the expiration of at least fourteen days after notice has been given by notification of the Governor General in Council published, in the case of the Bank of Bengal, in the *Gazette of India* and the *Calcutta Gazette*, and in the cases of the Bank of Madras and the Bank of Bombay, in the local official Gazette, that the Bank will no longer act as banker for, or pay, receive, collect or remit money, bullion and securities on behalf of the Government,

all sums payable by or to the Secretary of State for India in Council, or by or to the Governor General in Council, or the Government of Bengal, or the Governor of Fort St. George in Council, or the Governor of Bombay in Council, on behalf of the Secretary of State for India in Council, at the General Treasury of Fort William in Bengal, or at the General Treasury at Madras, or at the General Treasury at Bombay,

shall be payable—

in the case of the Secretary of State for India in Council, or the Governor General in Council—at the office of the Bank

of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be,

in the case of the Government of Bengal—at the office of the Bank of Bengal;

in the case of the Governor of Fort St. George in Council—at the office of the Bank of Madras; and

in the case of the Governor of Bombay in Council—at the office of the Bank of Bombay.

Presentment of promissory notes at Banks.

39. Whenever presentment of any promissory note, bond or other security for payment or any other purpose at any of the said General Treasuries would heretofore have been necessary or sufficient, presentment for such purpose shall be necessary or sufficient (as the case may be) until the expiration of fourteen days after the giving of the notice mentioned in section thirty-eight—

in the case of the General Treasury of Fort William—at the office of the Bank of Bengal;

in the case of the General Treasury at Madras—at the office of the Bank of Madras; and

in the case of the General Treasury at Bombay—at the office of the Bank of Bombay.

Place of business.

40. The office of the Bank of Bengal shall be at Calcutta, that of the Bank of Madras shall be at Madras, and that of the Bank of Bombay shall be in the Island of Bombay;

and the business of the Bank shall be carried on at its office, and at such other place or places in India as the Board may deem advisable, under the provisions of section forty-two.

Acquisition of business-premises.

41. For the purpose of providing offices and places in and at which to carry on and manage the business of the Bank, and proper residences for its agents, the directors may—

(*a*) acquire any interest in immoveable property, and

(*b*) sell, buy in, resell, exchange, let, furnish, repair, insure against fire, and otherwise deal with all or any part of the same as they may consider most conducive to the interests of the Bank.

Establishment of branches and agencies.

42. It shall be lawful for the directors to maintain as branches or agencies of the Bank any branches or agencies of the present Banks which may be in existence on the first day of May, 1876,

and, from time to time, to establish branches or agencies at such places within the Presidency in which the Bank is situate as they deem advantageous to the interest of the Bank,

and, with the previous consent of the Governor General in Council, and subject to such restrictions as to the business to be transacted as he thinks fit in each case to impose (such consent and restrictions being notified in the *Gazette of India*), to establish branches or agencies at such places outside the Presidency in which the Bank is situate as the directors deem advantageous for the interests of the Bank:

Proviso.

Provided that no agency of the Bank now or hereafter established in Bombay, Calcutta or Madras, shall advance or lend money, or open cash-credits on securities, or receive deposits and keep cash-accounts, or discount bills of exchange drawn and payable in the Presidency in which it is so established,

or shall act as agent on commission, or transact any business except as agent of its principal Bank, or any of its branches or other agencies.

The directors may discontinue any branch or agency maintained or established under this section.

CHAPTER IX.

ACCOUNTS AND DIVIDENDS.

Books to be balanced twice a year.

43. The directors shall cause the books of the Bank to be balanced on every thirty-first day of December and every thirtieth day of June.

A statement of the balance at every such period, signed by a majority of the directors, shall be forthwith sent to a Secretary to the Government of India, and in the cases of the Bank of Madras and the Bank of Bombay, also to a Secretary to the Local Government.

The Governor General in Council in the case of each of the said Banks, and the Local Government in the case of the Bank of Madras and the Bank of Bombay, shall (so long as any such arrangement with the Government as aforesaid, which has already been, or shall hereafter be, entered into remains in force) at all times be entitled to require of the directors any information touching the affairs of the Bank and the production of any document of the Bank,

and in the case of each of the said Banks, the Governor General in Council may require the publication of such statements of its assets and liabilities at such intervals and in such form and manner as the Governor-General in Council thinks fit.

Every requisition under this section shall be signified in writing under the hand of a Secretary to the Government of India or to the Local Government (as the case may be), and the directors shall comply with every such requisition.

Dividends to be determined half-yearly.

44. An account of the profits of the Bank during the previous half-year shall be taken on or immediately after every thirty-first day of December and every thirtieth day of June,

and a dividend shall be made as soon thereafter as conveniently may be,

and the amount of such dividend shall be determined by the directors, subject to the provisions of section forty-five.

No unpaid dividend shall bear interest as against the Bank.

Reserve-fund.

45. The directors, before declaring any dividend, may set aside out of the profits of the Bank such a sum as they think proper as a reserve-fund, and invest the same upon any of the securities specified in section thirty-six, paragraph (*a*), clauses (1), (2), (3), and (4).

Application of reserve-fund.

46. The directors may from time to time apply such portion as they think fit of the reserve-fund to meet contingencies, or for equalizing dividends, or for any other purposes of the Bank, which they from time to time deem expedient.

CHAPTER X.

AUDIT.

Election of auditors.

47. Two auditors shall be elected and their remuneration fixed at the annual general meeting.

Who may be auditors.

The auditors may be proprietors or shareholders; but no director or other officer of the Bank is eligible during his continuance in office.

Auditors re-eligible.

Any auditor shall be re-eligible on his quitting office.

Auditors' tenure of office.

The persons who shall be auditors on the first day of May, 1876, and all auditors elected under this section, shall severally be and continue to act as auditors until the first general meeting after their respective elections:

Supply of casual vacancy in office.

Provided that if any casual vacancy occurs in the office of any auditor, the directors shall forthwith call a special meeting for the purpose of supplying the same.

Rights and duties of auditors.

48. Every auditor shall be supplied with a copy of the half-yearly balance-sheet, and it shall be his duty to examine the same, with the accounts and vouchers relating thereto.

Every auditor shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts, and other documents of the Bank, and may (at the expense of the Bank) employ accountants or other persons to assist him in investigating such accounts, and may, in relation to such accounts, examine the directors or any other officer of the Bank.

The auditors shall make a report to the proprietors and shareholders upon the annual balance-sheet and accounts; and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by the bye-laws made under this Act, and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and in case they have called for

any explanation or information from the directors, whether it has been given by the directors and whether it has been satisfactory.

Such report shall be read together with the report of the directors at the annual general meeting.

CHAPTER XI.

MEETINGS.

Annual general meeting.

49. On the first Monday of the month of August in every year, or as soon after such day as is convenient, a general meeting shall be held, at which the directors shall submit to the proprietors and shareholders a statement of the affairs of the Bank made up to the preceding thirtieth day of June.

A notice convening such meeting, signed by the Secretary, shall be published in the local official Gazette, and in the case of the Bank of Bengal, also in the *Gazette of India*, at least fifteen days before the meeting is held.

Special meetings.

50. Any ten or more proprietors or shareholders holding stock or shares, or both, to the aggregate amount of fifty thousand rupees, or any three directors, may convene a special meeting upon giving fifteen days' previous notice of such meeting, and of the purpose for which the same is convened, as well to the directors as also by public advertisement in the local official Gazette, and in two of the English daily newspapers and one of the Vernacular newspapers:

Provided that three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank, and shall also be served on every proprietor and shareholder.

Quorum.

51. No business shall be transacted at any meeting whether general or special, unless a quorum of twenty proprietors or shareholders, or both, in person or by proxy, is present at the commencement of such business.

If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened by proprietors or shareholders not being directors, shall be dissolved: in any other case it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die.*

52. At meetings, whether general or special, every election and other matter submitted to the meeting shall be decided by a majority of votes, except as in section thirteen and in section twenty-seven, clause 4, is specially provided,

Decision by majority of votes.

and no person shall be allowed to vote at any such meeting in respect of any stock or share acquired by transfer, unless such transfer shall have been completed and registered at least three months before the time of such meeting.

Persons not allowed to vote.

And no shareholder shall be entitled to vote at any meeting in respect of any shares held by him alone or jointly, whilst any call due from him alone or jointly remains unpaid.

Shareholders in arrear as to calls.

53. A declaration by the chairman of any meeting, except a special meeting held under section thirteen, that a resolution has been carried thereat upon a show of hands, shall be conclusive, and an entry to that effect in the book of proceedings of the Bank shall be sufficient evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution, unless, immediately on such declaration, a poll be demanded in writing by five proprietors or shareholders present and entitled to vote at such meeting.

Power to declare resolution carried by show of hands.

54. If a poll be demanded, it shall be taken at such time and place, and (except at the special meeting last aforesaid) either by open voting or by ballot, as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

Poll to be taken, if demanded.

55. The proceedings at any meeting, and all resolutions and decisions of such meeting, shall be valid and binding on the Bank, so far as such proceedings, resolutions, and decisions are consistent with the provisions of this or any other Act for the time being in force and regulating the Bank.

Proceedings and resolutions at meetings to be binding.

56. At all such meetings, the proprietors or shareholders shall vote according to the following scale:—

Scale of votes.

The proprietor of capital stock amounting to Rs. 2,000, or the holder of shares of which the total nominal amounts are equal to Rs. 2,000, shall be entitled to....	1 vote.
The proprietor of capital stock amounting to Rs. 10,000, or the holder of shares of which the total nominal amounts are equal to Rs. 10,000, shall be entitled to...	2 "
The proprietor of capital stock amounting to Rs. 20,000, or the holder of shares of which the total nominal amounts are equal to Rs. 20,000, shall be entitled to	3 "
The proprietor of capital stock amounting to Rs. 30,000, or the holder of shares of which the total nominal amounts are equal to Rs. 30,000, shall be entitled to	4 "
The proprietor of capital stock amounting to Rs. 40,000, or the holder of shares of which the total nominal amounts are equal to Rs. 40,000, shall be entitled to	5 "
The proprietor of capital stock amounting to Rs. 50,000, or the holder of shares of which the total nominal amounts are equal to Rs. 50,000, shall be entitled to	6 "
The proprietor of capital stock amounting to Rs. 75,000, or the holder of shares of which the total nominal amounts are equal to Rs. 75,000, shall be entitled to	7 "
The proprietor of capital stock amounting to Rs. 1,00,000, or the holder of shares of which the total nominal amounts are equal to Rs. 1,00,000, shall be entitled to	8 "
The proprietor of capital stock amounting to Rs. 1,25,000, or the holder of shares of which the total nominal amounts are equal to Rs. 1,25,000, shall be entitled to	9 "
The proprietor of capital stock amounting to Rs. 1,50,000, or the holder of shares of which the total nominal amounts are equal to Rs. 1,50,000, shall be entitled to	10 "

The proprietor of capital stock amounting to Rs. 1,75,000, or the holder of shares of which the total amounts are equal to Rs. 1,75,000, shall be entitled to ... ... 11 votes

The proprietor of capital stock amounting to Rs. 2,00,000, or the holder of shares of which the total amounts are equal to Rs. 2,00,000, shall be entitled to ... ... 12 „

Where a person is both a proprietor of stock and a holder of shares, his shares shall, for the purpose of this section, be deemed to be stock.

No proprietor or shareholder shall be entitled to more than twelve votes at any such meeting.

Proxies of proprietors or shareholders.

57. Any proprietor or shareholder entitled to vote at any meeting under this Act may give a proxy in writing, either general or special, under his hand or the hand of his attorney duly authorized, to any other proprietor or shareholder.

Such proxy shall be produced at the time of voting, and shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

But no person shall be permitted to vote in virtue of such proxy unless it has been left for registration at the office of the Bank at least three clear days before the time for holding the meeting at which it is intended to be used:

Provided that a general proxy which has been registered at such office need not be again left for registration previous to any subsequent meeting.

Existing proxies.

Proxies existing and in force with reference to any of the present Banks, on the first day of May, 1876, shall continue in force and be available at meetings under this Act, anything herein contained notwithstanding.

A general power-of-attorney shall be deemed a proxy within the meaning of this section.

Voting by lunatic and minor shareholders.

58. If any proprietor or shareholder is a lunatic or idiot, he may vote by his committee or other legal curator, and if any proprietor or shareholder is a minor, he may vote by his guardian, or any one of his guardians, if more than one.

CHAPTER XII.

NOTICES.

Service of notices by Bank.

59. Every notice or other document requiring to be served by the Bank upon any proprietor or shareholder may be served either personally, or by leaving it for, or sending it through the post by registered letter addressed to, him at his registered place of abode;

and every notice sent through the post shall be deemed to have been served at the time at which, in the usual course of post, it would have been delivered.

Notices by shareholders.

60. Any proprietor or shareholder who changes his name or place of abode, or being a female marries, and the husband of any such female, respectively, shall not be entitled to recover any dividend or to vote until notice of the change of name or abode or marriage be given to the Bank, in order that the same may be registered.

Every notice to be given on the part of any proprietor or shareholder shall be left at the office of the Bank, or sent through the post by registered letter addressed to the Secretary of the Bank at its principal office.

Shareholder bound by notices to previous holders.

61. Every person who by operation of law transfers or otherwise becomes entitled to any stock or shares, shall be bound by any and every notice or other document which, previously to his name and address being entered upon the register of the Bank in respect of such stock or shares, has been given to the person from whom he derives his title thereto.

Service of notices good notwithstanding shareholder's death.

62. When any notice or document is delivered or sent, in accordance with this Act, at or to the registered place of abode of a proprietor or shareholder, then, and notwithstanding he be then deceased, and whether or not the Bank have notice of his decease, such service of the notice or other document shall, for all purposes of this Act, be deemed service thereof on him, or, if dead, on his heirs, executors, administrators, and every of them.

CHAPTER XIII.

BYE-LAWS.

Power of directors to make bye-laws.

63. The directors shall as soon as may be make, and may from time to time alter, bye-laws regulating the following matters or any of them :—

(*a*) the maximum amount which may be advanced or lent by discount of bills, or otherwise, to any individual or partnership, without the security mentioned in section thirty-six, paragraph (*a*), Nos. (1) to (5) inclusive,

(*b*) the circumstances under which alone advances may be made to directors or officers of the Bank, or the relatives of such directors or officers, or to companies, firms or individuals with which or with whom such directors, officers, or relatives are connected as partners, directors, managers, servants, shareholders, or otherwise,

(*c*) the particulars to be contained in the half-yearly balance-sheet,

The directors may from time to time make bye-laws regulating the following matters or any of them :—

(*d*) the distribution of business amongst the directors,

(*e*) their remuneration,

(*f*) the delegation of any powers of the directors to committees consisting of members of their body,

(*g*) the procedure at the meetings of the board or of any committee of the directors,

(*h*) the books and accounts to be kept at the head and other offices respectively,

(*i*) the reports and statements to be prepared and made by the Chief Accountant, the heads of departments, and the other officers of the Bank,

(*j*) the management of the branches and agencies,

(*k*) the fees payable for certificates of shares or receipts for stock, or for registration of transfers of shares or stock,

(*l*) the renewal of certificates of shares and receipts for stock, which have been worn-out or lost,

(*m*) and, generally, for the conduct of the business of the Bank:

Provided that no bye-law, or alteration or rescission of any bye-law, shall be of any validity, except in so far as the same is consistent with the provisions of this Act, and has been previously approved by the Governor-General in Council, and such approval has been signified in writing under the hand of a Secretary to the Government of India.

Proviso.

CHAPTER XIV.

MISCELLANEOUS.

Power to institute and compromise suits.

64. The directors may institute, conduct, defend, compromise, refer to arbitration, and abandon legal and other proceedings and claims by or against the Bank or the directors or officers of the Bank, and otherwise concerning its affairs.

Evidence in legal proceedings against shareholders.

65. In any suit brought against any shareholder to recover any debt due for any call or other monies due from him in his character of shareholder, it shall be sufficient to allege that the defendant is a shareholder of the Bank, and is indebted to the Bank in respect of a call made or other monies due, whereby a right to sue has accrued to the Bank;

and, on the hearing of any suit brought by the Bank against any shareholder to recover any debt due for any call, it shall be sufficient to prove that the name of the defendant is on the register of shareholders of the Bank as the holder of the shares in respect of which such debt accrued, and that the call was made, and that notice of such call was duly given to the defendant in pursuance of this or any other Act for the time being in force regulating the Bank;

and it shall not be necessary to prove the appointment of the directors who made such call, nor that a quorum of directors was present at the Board at which such call was made, nor that the meeting at which it was made was duly convened or constituted.

66. Nothing in the Thirty-third of George the Third, session two, chapter fifty-two, shall be deemed to render it unlawful for any servant of Government, or for any Judge of a High Court, to become a member of any corporation established under this Act.

Modification of 33 Geo. III, sess. 2, cap. 52.

67. Notwithstanding anything contained in this Act or in section 231 of Act No. X of 1866, whenever the proprietors and shareholders have passed a special resolution that the Bank shall be wound up voluntarily under the Indian Companies Act, 1866, the Bank shall be wound up accordingly, as if it were a Company under that Act:

Power to wind up Bank under Indian Companies Act.

Provided that no such special resolution shall be deemed to have been passed unless at least one-third of the proprietors and shareholders holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open voting in favor of the said resolution, and such resolution has been confirmed by a majority of such proprietors and shareholders at a subsequent special meeting held at an interval of not less than one month, nor more than two months, from the date of the meeting at which such resolution was first passed.

68. And whereas the Government of India has agreed to sell, and the directors of the present Bank of Bengal have agreed to purchase, at a premium of twenty-two and a half per centum, the said two thousand two hundred shares of one thousand rupees each held by the Government of India in the same Bank; and it is intended that the directors of the Bank of Bengal as constituted by this Act shall cancel two thousand of such shares, and sell for the benefit of the Bank four hundred shares in the same Bank corresponding with the remaining two hundred shares so agreed to be sold and purchased;

Sale to Banks of Bengal and Madras of Government shares therein.

And whereas the Government of India has agreed to sell, and the directors of the present Bank of Madras have agreed to purchase, at a premium of ten per centum, the said five hundred and sixty-two and a half shares held by the Government of India in the same Bank: and it is intended that the directors of the

Bank of Madras as constituted by this Act shall cancel the same shares;

Purchase and cancellation by directors of 62½ shares in present Bank of Madras.

And whereas the directors of the present Bank of Madras have purchased and cancelled other sixty-two and a half shares in such Bank;

And whereas the said respective directors of the present Bank of Bengal and Bank of Madras had no power to enter into the said agreements with the Government of India, and the directors of the Bank of Bengal as constituted by this Act have no power to sell the four hundred shares referred to in this section, and the said directors of the present Bank of Madras had no power to purchase and cancel the said other sixty-two and a half shares;

And whereas the directors of the Bank of Bengal as constituted by this Act have no power to cancel the said two thousand shares, and the said directors of the Bank of Madras as constituted by this Act have no power to cancel the said five hundred and sixty-two and a half shares;

And whereas it is expedient to confirm the said agreements with the Government of India, and to indemnify the said respective directors of the present Bank of Bengal and Bank of Madras for entering into the same, and to confirm the said purchase of the said other sixty-two and a half shares by the directors of the present Bank of Madras, and to indemnify the same directors for making the same, and for cancelling the same shares, and to empower the directors of the Bank of Bengal as constituted by this Act to sell the said four hundred shares, and to empower the respective directors of the Bank of Bengal and Bank of Madras as constituted by this Act to cancel the said shares so intended to be cancelled; It is hereby further enacted as follows:—

Confirmation of agreements with Government.

(a).—The said agreements with the Government of India are hereby confirmed, and the said respective directors of the present Bank of Bengal and Bank of Madras are hereby indemnified for entering into the same; and no suit or other proceeding shall be maintained against any such director in respect of anything *bonâ fide* done in pursuance of either of such agreements.

(*b*).—The said purchase of the said other sixty-two and a half shares is hereby confirmed, and the said directors of the present Bank of Madras are hereby indemnified for making the same and for cancelling the same shares; and no suit or other proceeding shall be maintained against any such director in respect of anything *bonâ fide* done in effecting such purchase and cancellation.

Confirmation of purchase of the 62½ shares.

(*c*).—The directors of the Bank of Bengal as constituted by this Act shall have power to sell, and shall, as soon as conveniently may be, sell, the said four hundred shares, either together or in parcels, and either by public auction or private contract, and shall apply the proceeds in or towards paying the price of the shares of the Government of India so agreed to be purchased by the directors of the present Bank as aforesaid, or otherwise for the benefit of the Bank of Bengal as constituted by this Act.

Sale by directors of 400 shares in Bank of Bengal.

(*d*).—The directors of the Bank of Bengal as constituted by this Act shall have power to cancel, and shall, as soon as conveniently may be, cancel, the said two thousand shares, and the directors of the Bank of Madras as constituted by this Act shall have power to cancel, and shall, as soon as conveniently may be, cancel, the said five hundred and sixty-two and a half shares.

Cancellation of certain shares.

SCHEDULE.

(SEE SECTION 2.)

Part I.—Statute.

Number and year.	Abbreviated title.	Extent of repeal.
47 George III, sess. 2, cap. 68.	An Act for the better government of the Settlements of Fort St. George and Bombay, &c.	Sections eight, nine, and ten.

SCHEDULE.—(*Continued*)

Part II.—Acts of the Governor General in Council.

Number and year.	Title.
IV of 1862	An Act for regulating the Bank of Bengal.
V of 1862	An Act to provide for the payment at the Banks of Bengal, Madras, and Bombay, of monies payable at the General Treasuries of Calcutta, Madras, and Bombay.
VI of 1862	An Act to annex a schedule to Act IV of 1862.
XXIX of 1863	An Act to declare the receipts of the Banks of Bengal, Madras, and Bombay to be sufficient in lieu of the receipts of the Sub-Treasurers of Fort William, Fort St. George, and Bombay, respectively.
XIX of 1870	An Act to enable the Directors of the Bank of Bengal to act by a quorum.

Part III.—Acts of the Governor of Fort St. George in Council.

Number and year.	Title.
VI of 1866	An Act for repealing Madras Act V of 1862, and for regulating the Bank of Madras.
I of 1871	An Act to amend Madras Act VI of 1866, to give validity to certain acts done by the Directors of the Bank of Madras, and to enable outgoing Directors to be re-elected.

Part IV.—Acts of the Governor of Bombay in Council.

Number and year.	Title.
X of 1863	An Act for the Re-incorporation and Re-constitution of the Bank of Bombay.
XV of 1866	An Act to amend Act No. X of 1863 (Bombay).
I of 1867	An Act to reduce the amount of the capital of the Bank of Bombay and of the shares thereon, and to amend Act X of 1863 and Act XV of 1863 (Bombay).

ACT No. XII.

THE REPEALING ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11*th April,* 1876.)

An Act for the repeal of certain Obsolete Enactments.

Preamble.

WHEREAS it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

Enactments in schedule repealed.

1. The enactments described in the schedule annexed to this Act are hereby repealed to the extent mentioned in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or Regulation, in which such enactment has been applied, incorporated, or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived, by, in, or from any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

Short title.
Local extent.
Commencement.

2. This Act may be cited as "The Repealing Act, 1876": It extends to the whole of British India; and it shall come into force at once.

SCHEDULE.

A description or citation of a portion of an Act or Regulation is inclusive of the words, section or other part, first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
IX of 1835...	Salt, Bengal ...	The whole.
XIX of 1838...	Coasting Vessels, Bombay.	Section nine. In section twelve, the word "India." In section thirteen, the words "Justice of the Peace or person exercising the powers of a Magistrate." So much of section fifteen as has not been repealed.
XXIX of 1838...	Salt, Bengal ...	So much as has not been repealed.
VI of 1840 ..	Bills of Exchange ...	In section five, the words "after the passing of this Act."
XVIII of 1841...	Arms and Ammunition.	Section two.
XIX of 1841...	Wrongful possession in case of succession.	In section nine, the word "that" where it occurs before the word "all," and in section eighteen, the word "that" where it occurs before the word "for."

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
XVI of 1844...	Salt, Bombay ...	So much as has not been repealed.
I of 1846...	Pleaders ...	In section seven, the word "that" where it occurs before the word "it." Section nine down to the words "and that," and in the same section, the word "such" where it first occurs.
VIII of 1846...	Settlement, N. W. Provinces.	So much as has not been repealed.
XI of 1846 ..	Deregulationising certain territories.	The words "and the Zillah Ahmednuggur" wherever they occur.
XX of 1847...	Copyright ...	In section seven, the words "after the passing of this Act" and "in such part of the said territories"; and from "if he shall have so offended" down to "charter"; and from "to a special" to "no Zillah Court." In section thirteen, the word "that" where it occurs after the words "Trover; and."
XV of 1848...	Supreme Court Officers.	In section four, the words "or the East India Company."
IX of 1850...	Presidency Small Cause Courts.	Sections three, forty-seven, and ninety. In section one, the last thirty-seven words. In section eight, the words "not exceeding three." In section one hundred and one, the words "after the passing of this Act."
XXXVII of 1850...	Public Servants ...	Section seventeen.
XL of 1850...	Pawnbrokers, Straits Settlements.	So much as has not been repealed.
VIII of 1851 ..	Tolls on Roads and Bridges.	In section six, the words "of the zillah."

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
XVII of 1852 ...	Special Cases, Supreme Court.	Section twenty-six, from "which according" to "referred, but." Section thirty. In section thirty-two, the words "and also the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca." Section thirty-three.
XXI of 1852 ...	Deputy Collectors, Bombay.	In section one, the words "zillah or."
XXX of 1852 ...	Naturalization ...	The last sixteen words of the schedule.
XVIII of 1854 ...	Railways ...	In section thirty-four, the words "or by any Assistant to a Magistrate or Deputy Magistrate." In section thirty-five, the words "and district or Joint Police officers in the Presidency of Bombay." In section forty, the words "within the said territories."
XXXI of 1854 ...	Real Actions, Conveyances.	In section thirteen, the words "in the possession and."
VI of 1855 ...	Execution, Supreme Courts.	Section fourteen, from "and the term" to the end.
XXIV of 1855 ...	Penal Servitude ...	In section one, the words "in the possession and."
VIII of 1856 ...	Gaols, Bombay ...	In section two, the first eight words.
II of 1857 ...	Calcutta University ...	In the preamble, the last four words. Section four, from "and the first" to the end. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January, 1859," and the words "the Vice-Chancellor hereinbefore nominated or."

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
IV of 1857 ...	Tobacco, Bombay Town	In section five, the words "after the passing of this Act," and from "and the provisions" to "Town."
XI of 1857 ...	Offences against the State.	In section three, *clause* 1, the words "within the said territories," "of the crimes mentioned in the preceding sections, or any other." In section four, the words "the attendance or futwa of a Law Officer or." Sections seven, eight, nine, and ten. In section eleven, the words "lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate."
XXII of 1857 ...	Bombay University ...	In the preamble, the last four words. In section four, the last twelve words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January, 1859," and the words "the Vice-Chancellor hereinbefore nominated or."
XXVII of 1857 ...	Madras University ...	In the preamble, the last four words. In section four, the last fourteen words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January, 1859," and the words "the Vice-Chancellor hereinbefore nominated or."

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
XXIX of 1857 ...	Land Customs, Bombay	In section eleven, the words "by the said schedules." In section thirteen, the words "entered in either of the said schedules as."
I of 1859 ...	Merchant Seamen ...	In section sixty-three, the words "or in any station of the Settlement of Prince of Wales' Island, Singapore, and Malacca, to the Court of Judicature there." In section sixty-seven, the words "and in the Straits Settlements in such manner as the Governor shall notify."
III of 1859 ...	Cantonment Joint Magistrates.	In the title, the words "and for constituting those Officers Registers of Deeds." In the preamble, the words "and that they should also be appointed Registers of Deeds within the same limits." Section three, so far as it relates to the Presidency of Madras. Section five.
XV of 1859 ...	Patents ...	Sections thirteen and thirty-six.
XXXI of 1861 ...	Saltpetre ...	So much as has not been repealed.
XIII of 1863 ...	Imprisonment of Convicts, Bombay.	The whole.
XIV of 1863 ...	Amending Act X of 1859.	So much as has not been repealed.
III of 1864 ...	Foreigners ...	In section twenty-four, the words "and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."
XVII of 1864 ...	Official Trustee ...	In section three, the words "the said."

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—*(Continued.)*

Number and year.	Subject.	Extent of repeal.
XXII of 1864 ...	Cantonments ..	In section eight, the words "*and for constituting those Officers Registrars of Deeds.*"
XI of 1865 ...	Mofussil Small Cause Courts.	In section twelve, the words "or District," "*and for constituting those Officers Registers of Deeds:*" so much as relates to the trial of small suits in military bázárs, cantonments, and stations in the Presidency of Madras, and the last twenty-one words.
XV of 1865 ...	Pársí Marriage and Divorce.	So much of section fifty-three as has not been repealed.
XXIX of 1865 ...	Pleaders ...	Sections one, two, and three.
XII of 1866 ...	Private Watercourses...	The whole.
XIV of 1866 ...	Post Office ...	Section fifty-five, and in section fifty-six, the words "or by any Assistant to a Magistrate or Deputy Magistrate."
XXV of 1866 ...	Transfer of securities to Government.	The preamble from "And whereas" to "purposes aforesaid."
VII of 1867 ...	Purchases from Soldiers.	In section one, the first eight words.
XIII of 1867 ...	Port dues : Coast lights.	Section two.
XIV of 1869 ...	Bombay Civil Courts ...	The second paragraph of section five. The second paragraph of section fourteen. Sections thirty and thirty-one.
X of 1870 ...	Land Acquisition ...	In section thirty-nine, the words "by the Code of Civil Procedure."
XXII of 1870 ...	European British Subjects.	Section one.
XXIII of 1870 ...	Coinage ...	Section eighteen, paragraph one.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—*(Continued.)*

Number and year.	Subject.	Extent of repeal.
XXVII of 1871 ...	Criminal Tribes ...	Section twenty-three.
III of 1872 ...	Marriage ...	Section twenty and the fourth schedule.
X of 1872 ...	Criminal Procedure Code ...	Section three.
XVIII of 1872 ...	Amending Evidence Act.	Section eight.
XXI of 1872 ...	Sepoy Lunatics ...	Section six.
X of 1873 ...	Oaths ...	In section one, the third paragraph.
XVI of 1873 ...	Village Police, N. W. Provinces.	In section one, the third paragraph.
III of 1874 ...	Married Women ...	Section three.
IV of 1874 ..	Foreign Recruiting ...	In section one, the third clause.
V of 1874 ...	Kullu Appeals ...	Section four.
XV of 1874 ...	Laws Local Extent ...	Section nine and the seventh schedule. So much of the second schedule as relates to Madras Regulations I of 1819, III of 1831, and VII of 1832, and to section four of Madras Regulation IV of 1821, and to Act No. VIII of 1856. So much of the fourth schedule as relates to Bengal Regulations LVIII of 1795 and IV of 1829.
XVI of 1874 ...	Repealing Act, 1874 ...	The whole.
III of 1875 ...	Amending Repealing Act, 1874.	The whole.
IV of 1875 ...	Merchant Shipping ...	Section two, and the third clause of section one.
VII of 1875 ...	Burma Fisheries ...	In section one, clause three.
VIII of 1875 ...	Inland Customs ...	Section two and the schedule.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—(*Concluded.*)

Number and year.	Subject.	Extent of repeal.
X of 1875 ...	High Courts' Criminal Procedure.	Sections thirty-nine and one hundred and fifty-three.
XVI of 1875 ...	Tariff ...	Section two.
XVIII of 1875 ...	Law Reports ...	Section two.

PART II.—REGULATIONS OF THE BENGAL CODE.

Number and year.	Subject.	Extent of repeal.
II of 1793 ...	Collectors and Board of Revenue.	In section eight, clause thirteen, the words and figures "by any Regulation published in the manner directed in Regulation XLI, 1793."
VIII of 1793 ...	Decennial Settlement...	Sections sixteen, seventeen, eighteen, twenty-eight, twenty-nine, forty-eight, fifty-six, fifty-seven, fifty-nine, sixty, and sixty-seven (except the fifth clause).
XIX of 1793 ...	Non-bádsháhí Lákhiráj	Sections forty-five and forty-six.
XLVIII of 1793 ...	Quinquennial Register..	Sections twenty-six, twenty-eight, and twenty-nine.
III of 1794 ...	Revenue arrears, &c. ...	In section sixteen, the words "dewan or other" and the words "If the property shall be within the cities of Patna, Dacca or Moorshedabad, the collector is to apply to the judge of the zillah through the vakeel of Government, to make application to the judge of such city to attach and deliver it into the charge of the nearest collector." In sections seventeen and eighteen, the words "or in either of the cities of Patna, Dacca or Moorshedabad."

PART II.—REGULATIONS OF THE BENGAL CODE.—*(Continued.)*

Number and year.	Subject.	Extent of repeal.
I of 1795 ...	Permanent Settlement, Benares.	In section three, clauses *third* and *fourth*, the words and figures "and printed and published in the manner prescribed in Regulation XLI, 1793." In clause *fifth*, the words and figures "which may be printed and published in the manner prescribed in Regulation XLI, 1793." Section four.
XV of 1795 ...	Extending Regulation XVI of 1793 to Benares.	In section three, clause *first*, "to the City Court or," and "or to the Provincial Court of Appeal."
LVIII of 1795 ...	Commission on jama: copies of decrees.	So much as has not been repealed.
XV of 1797 ...	Fees on division and transfer of estates.	In section two, clause two, the words and figures "that may take place under Regulation XXV, 1793, or XXVI, 1795," and in section seven, the words and figures "in Regulation XXV, 1793, or XXVI, 1795 (according to the Province in which the lands may be situated)."
I of 1801 ...	Realization of revenue..	In section fourteen, the last sentence.
XXXIII of 1803 ...	Embezzlement of public money, C. P. ...	In section one, the words "tehseeldars." In section two, clause *first*, the word "tehseeldars" and the whole of clause *second* of that section.
XIII of 1805 ...	Police, Katák ...	In section thirteen, the words "and likewise such of the rules contained in Regulation IV, 1804, as are not either specifically or virtually rescinded by the present Regulation."
XIV of 1805 ...	Civil suits, Katák ...	So much as has not been repealed.

PART II.—REGULATIONS OF THE BENGAL CODE.—(Continued.)

Number and year.	Subject.	Extent of repeal.
XI of 1806 ...	Passage of troops ...	Sections ten, thirteen to nineteen inclusive.
XX of 1810 ...	Army retainers; Military bázárs.	In section twenty, from the words "in the meantime" to the end of the section.
XI of 1811 ..	Jumma on divided estates.	In section four, clause *first*, the words "or Board of Commissioners according as the lands may be situated in the districts subject to the control of those Boards in all matters connected with the land-revenue respectively;" and clause *second*, the words "or Board of Commissioners."
V of 1812 .	Collection of land-revenue.	In section twenty-four, the words "and Board of Commissioners respectively." In section twenty-five, "and Board of Commissioners."
XI of 1816 ...	Succession, Katak ...	In section twelve, the words and figure "under section X."
V of 1817 ..	Hidden Treasure ...	In section six, the words "or city" where they occur before "judge."
XII of 1817	Patwárís ...	In section eight, the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and "or Commissioner." In sections thirteen, fifteen, and sixteen, the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section seventeen, the words "Board of Commissioners, or Commissioner in Behar and Benares." Sections twenty-six and twenty-eight and sections thirty and thirty-three so far as they relate to section twenty-six.

PART II.—REGULATIONS OF THE BENGAL CODE.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
XX of 1817 ...	Police ...	In section twenty-one, clause *tenth*, the last sentence. Section twenty-eight. In section twenty-nine, the words "manufacturer, molungee, or any," "manufacturers, molungees, or to," "molungee, or any other manufacturer, or," and the words "salt, or" wherever they occur. Section thirty-two.
II of 1819 ...	Resumption of revenue	In section eleven, the word '*First*' and clause *second*. Section nineteen, clause *third*. Section thirty, clause *fifth*.
VI of 1819 ...	Ferries: Police ...	In section three, clause three, the words "through the superintendents of police." In section ten, the words and figures "by section VII, Regulation XVIII, 1817."
IV of 1821 ...	Magistrates ...	Section one down to the words "Magistrate; and." Sections four, five, and six. In section eight, the words "of the Honorable Company."
VII of 1822 ...	Settlement, Ceded and Conquered Provinces	Section twenty-seven. In section twenty-nine, clause one, the words "and shall be written on stamped paper of the value of two rupees," and in clause fifth, the words "and shall be rendered in a roobakaree written on stamped paper of the value of two rupees."
VI of 1823 ...	Indigo suits ...	In section one, and in section three, clause *seventh*, the words and figures "under the provisions of Regulation XX, 1812."
VI of 1825 ...	Passage of troops ...	In section five, the words "on the stamped paper prescribed for other appeals to the Revenue Boards."

PART II.—REGULATIONS OF THE BENGAL CODE.—(*Concluded.*)

Number and year.	Subject.	Extent of repeal.
XVIII of 1825 ...	Chinsurah ...	So much as has not been repealed.
III of 1827 ...	Extortion by Native officers.	In section five, the words "on the stamped paper prescribed for miscellaneous petitions."
III of 1828 ...	Special Commissions ...	In section six, *fourth* clause, the words "the Provincial Courts or." And in section seven, clause *second*, the words "Provincial Courts and."
IV of 1828 ...	Power of Collectors in making or revising settlements.	In section one, the words and figures "under the rules of Regulation XV. 1824."
IV of 1829 ...	Appeals under Regulation III of 1828.	The whole.
XI of 1829 ...	Embankments ...	The whole.
XI of 1831 ...	Police powers of Tahsíldárs.	Section four.
V of 1832 ...	Delhi territory ...	The whole.
XIII of 1833 ..	Zilas of Rámghar, Jungle Maháls and Midnápur ...	The whole.

PART III.—REGULATIONS OF THE MADRAS CODE.

Number and year.	Subject	Extent of repeal.
III of 1802 ...	Procedure of Civil Courts.	Section eleven. In section sixteen, clause *Second*, the words "Hindoo," "the judge of the Court of Adawlut or," and "other," and the words and figures "under the general rule contained in section V, Regulation II, 1802, and proceed thereupon according to the regulations."

PART III.—REGULATIONS OF THE MADRAS CODE.—*(Continued.)*

Number and year.	Subject.	Extent of repeal.
III of 1802.—*contd.*	....	In clause *Third*, the words "when they are to proceed thereupon according to the general regulations."
XIII of 1802 ...	Records of Courts ...	In section fifteen, the words and figures "in the same manner as is prescribed to the Provincial Courts of Appeal in section XII."
XXIX of 1802 ...	Karnams ...	Section one down to the words "Kurnum. But." Section four. In sections eighteen and nineteen, the words "before the Court of Circuit."
II of 1803 ...	Collectors ...	Sections twenty-seven, twenty-eight and twenty-nine.
IX of 1803 ...	Customs Officer, Madras.	So much as has not been repealed.
V of 1804 ...	Court of Wards ...	In section six, clause *Third*, the words "Courts of Appeal or to the," "as it shall seem fit," and "respectively." In section twenty-four, clause *Second*, from "and it shall" to the end of that clause.
I of 1805 ...	Salt ...	In section eight, clause *First*, the words "after the date of the Regulation;" clause *Second*, the words "commercial residents." In section fourteen, clauses *First*, *Second*, and *Fourth* the words "commercial residents," "by commercial residents." In section fifteen, the words "commercial residents." In section sixteen, the words "commercial residents." Section twenty-two.
II of 1806 ...	District Courts ...	The whole Regulation except section VII, clause *Second*.

PART III.—REGULATIONS OF THE MADRAS CODE.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
VII of 1808 ...	Martial Law ...	In the preamble, the words and figures "from the 1st day of October, 1808." Section four, from "or before any special court" to the end of that section.
IV of 1816 ...	Village Munsifs ...	Section four, clause *First*, and the words '*Second*' and '*Third*.' In sections five and twenty-seven, the word "Arcot." In section ten, clause *Second*, the words and figures "in the form prescribed in section XXXVI of this Regulation." Sections thirty-two and thirty-four.
V of 1816 ...	Village Pancháyats ...	In sections three, four, and sixteen, the word "Arcot," wherever it occurs. In section ten, the words "and no stamp paper need be used in plaint, answer, or any process." In section eleven, clause *First*, the words "upon stamp paper of the prescribed rate according to the amount of the suit." In clause *Fourth*, the words "by the oaths of two credible witnesses at the least," and "Provincial." Section fifteen. In section seventeen, the words "on stamped paper of the prescribed rate, according to the amount decreed."
XI of 1816 ...	Heads of Villages, &c.	In section forty-seven, the words and figures "as directed in section X, Regulation III., 1810."
XII of 1816 ...	References to Village and District Panchayats.	In section three, the words and and figures "by clauses Second and Third, Section XIV, Regulation VI., 1816." In sections five and nine, the word "Arcot."

PART III.—REGULATIONS OF THE MADRAS CODE.—(Continued.)

Number and year.	Subject.	Extent of repeal.
XII of 1816.—*contd.*	....	Section six, clause *First*, so far as it relates to Regulation VII. 1816. In section six, clause *Second*, the words and figures "without requiring the agreement specified in clause *Second*, section IV, Regulation VII., 1816." In section nine, clause *First*, the words "by the oaths of two credible witnesses at the least," and "Provincial." In section eleven, the words "exempt from all stamp-duties, and shall be," and the words and figures "or to such charges as are specified in Regulation VII. 1816, if decided by a district punchayet."
XIV of 1816 ...	Pleaders ...	In the preamble, the words "and to transfer to the Provincial Courts the control now exercised by the Sudder Adawlut in the appointment and removal of vakeels or native pleaders in the Zillah Courts and in the Provincial Courts." In section three, clause *First*, the words "and the several Provincial Courts," "in their respective courts," "being natives of India of the Hindoo or Mahomedan persuasion, and," and clause *Second* "for the approbation of the Provincial Court of the division," "being a native of India and otherwise," from "and shall communicate" to the end of that section. In section four, the words "the Provincial Courts" and "which is not required to be written on stamped paper." In section eight, the words "and the Provincial Court, on consideration of the judge's report."

PART III.—REGULATIONS OF THE MADRAS CODE.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
XIV of 1816.—*contd.*	....	In section ten, clause *First*, the words "and the several Provincial Courts;" clause *Second*, the words "a register or," and "report the circumstances of the case, together with his own opinion upon it, to the Provincial Court, who will." In section eleven, the words "without the previous sanction of the Provincial Court," and from and including the words "but in such" to the end of the section. In section thirteen, the words "on unstamped paper." In section fourteen, the word "Arcot" wherever it occurs. In section fifteen, clause *Second*, the words "or registers" and "either by a deduction from the fees which may become due to the offender, or." In section eighteen, clause *First*, the words "register;" clause *Third*, the words "Provincial Courts or to the:" the second sentence and the words "Provincial Courts and of the." In section twenty, the words "of the Provincial Courts;" and "under the provisions contained in the following clauses of this section." In section twenty-five, clause *First*, the words "the Provincial Courts" and the word "Arcot" wherever it occurs; clause *Third*, the words and figures "written on the stamped paper prescribed in section XI, Regulation XIII, 1816." In section thirty-six, the words "on unstamped paper." In section thirty-nine, the words "or district" in each of the places where they occur, and the figures "VI" and "VII."

PART III.—REGULATIONS OF THE MADRAS CODE.—(Continued.)

Number and year.	Subject.	Extent of repeal.
XIV of 1816.—*contd.*	... ...	In the Appendix No. 1, the words "or in the Provincial Court for the division of." In the Appendix No. 2, the words "or the Provincial Court for the division of."
VIII of 1817 ...	Estates of Native Soldiers.	The Appendix, except No. 5.
II of 1819 ..	State Prisoners ...	In the preamble, the last nine words. Section eight. In section nine, the words "to the Provincial Court of Appeal and Circuit."
IV of 1821 .	Petty thefts .	In section six, clause *First*, the word "Madras."
IX of 1822	Embezzlement by Public Servants	In the preamble, the last ten words. In section three, clause *Third*, the words and figures "in the manner prescribed in section VII, Regulation III of 1802." In section four, the second sentence. In section five, clause *Fourth*, the word "Arcot." In section eight, the words "before the criminal judge (who is hereby empowered to take cognizance of such cases)" and "by him." In section nine, the words "on oath." Section ten, from the words "and the rules" to the end of the section. Sections seventeen and eighteen.
III of 1823 ...	Subordinate and Assistant Collectors.	In section one, the last ten words.
VII of 1828 ..	Subordinate and Assistant Collectors.	In section one, the last ten words. Section seven.
V of 1829 ...	Hindú Wills ...	In section one, the last ten words.
I of 1830 ...	Satí ...	In section one, the words "from the time of their promulgation."

PART III.—REGULATIONS OF THE MADRAS CODE.—(*Concluded.*)

Number and year.	Subject.	Extent of repeal.
I of 1830.—*contd.*	......	In section four, clauses *First* and *Third*, the words "before the Court of Circuit." In the same section, clause *Second*, the words "at the discretion of the Court of Circuit."
VI of 1831 ...	Hereditary Village Offices.	Section four, clause *Fourth*, from "and for this purpose" to the end of that clause. The same section, clause *Fifth*.
X of 1831 ...	Prohibition of sale of Minors' Estates for arrears of revenue.	In section one, the last ten words. Section three, down to the words "enacted that."
XI of 1832 ...	Hidden treasure ...	In section one, the words "as soon as promulgated." In sections two and seven, the word "Madras" wherever it occurs. In section three, the words "or to the assistant judge of the auxiliary court." In section four, the words "or assistant." In section six, the words "Madras" and or "assistant." In section eight, the words "or to the assistant judge of the auxiliary court." In section nine, the words "or of the assistant judges of the auxiliary courts," and the words "to the Provincial Courts." Section ten.
XIV of 1832 ...	Buying Soldiers' necessaries.	In section one, the last ten words. In section two, clauses *First* and *Second*, the words "from and after the date of the promulgation of this regulation," and "before the criminal, joint criminal, or native criminal judge within the limits of whose local jurisdiction the offence may have been committed," and the word "Madras."

PART IV.—REGULATIONS OF THE BOMBAY CODE.

Number and year.	Subject.	Extent of repeal.
II of 1827 ...	Pleaders ...	Appendixes A, D, E, F, G, H.
V of 1827 ...	Limitation ...	In the title, the words "defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and" and the word "Interest."
XII of 1827 ...	Police ...	The preamble. In section nineteen, clause *Sixth*, the words "personal restraint." In the same section, clause *Seventh*, the words "which shall be tried before the judge, or one of his assistants, exclusively." Appendix C.
XIII of 1827 ...	Criminal Courts ...	In section thirty-four clause *Third*, the words "or to the Magistrate above-mentioned."
XVI of 1827 ...	Revenue Administration.	In the preamble, the words "to have effect throughout the zillahs subordinate to Bombay." In section two, clause *Second*, the words and figures "decide certain civil suits and," and "as more particularly specified in Regulation XVII. A. D., 1827, Chapters VIII and X." In the title to Chapter III, the words "of hereditary district and village officers inclusive." Section twenty-five.
XVII of 1827 ...	Jurisdiction of Revenue Authorities.	The title from "vesting" to the end. In the preamble, the words "to have effect throughout the territories subordinate to Bombay." In section twelve, clause *Sixth*, the words "Sudder, or any."

PART IV.—REGULATIONS OF THE BOMBAY CODE.—*(Continued.)*

Number and year.	Subject.	Extent of repeal.
XVII of 1827.—*contd.*	....	In the title to Chapter IV, the words "and penal jurisdictions of the zillah magistrate and criminal judge in such cases." In section fifteen, clause *Second*, and clause *Third* so far as it relates to clause *Second*.
XIX of 1827 ...	Revenue Administration.	The title from "and for Collecting" down to "Horses," and the words "and also for levying Fees in the Court of Petty Sessions and Police Offices." In the preamble, the words "and whereas it has further been deemed expedient, under the authority of the British legislature for such purpose given, to levy certain taxes and fees at the presidency of Bombay." In section thirteen, clause *First*, the words "in the mode prescribed in the preceding section." In section twenty-nine, the words and figures "in the manner and before the authority specified in section XIV., Clause *First*, or by confession before the said authority," and from "and in case" down to "provided for."
XXI of 1827 ...	Duty on Opium ...	The title from "made with" down to "India." In the preamble, from "that the importation and sale at Bombay of tobacco" down to "be prohibited." In section two, clause *First*, the words "(either such as established by this or any other Regulation.)" Sections forty-seven and forty-eight. In section fifty-seven, the last eight words.

PART IV.—REGULATIONS OF THE BOMBAY CODE.—(*Concluded.*)

Number and year.	Subject.	Extent of repeal.
XXI of 1827.—*contd.*	....	In section sixty, clause *Second*, the last twenty words.
XXII of 1827 ...	Military Courts ...	In the preamble, the words "which shall have effect within the territories subordinate to the presidency of Bombay."
XXV of 1827 ..	State Prisoners ...	Section six. In section seven, the words "and to the Sudder Adawlut."
XXIX of 1827 ...	Dekkhan and Khándesh.	In the preamble, the words and figures "to have effect from the 1st September, 1827." Section two, from "and the said territories" to the end of clause *Second.* Section three, clause *First*, from "it is hereby" down to the word "first." In section five, clause *Third*, the last twenty-one words.
XVI of 1828 ...	Subsidiary jails ...	So much as has not been repealed.
V of 1830 ...	Revenue Administration.	In section one, clause *Third*, the words "and zillahs." Clause *Fifth*, and in clause *Sixth*, the words "zillahs throughout" and the words "and the department of Police."
VII of 1830 ...	Dharwar ...	In the preamble, the words and figures "to have effect from the 1st of June, 1830." In section two, the first six words.
XIII of 1830 ...	Jágírdárs ...	In section four, the last thirteen words.
III of 1834 ...	Town duty, Bombay ...	So much as has not been repealed.

PART V.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
IV of 1862 ...	Markets and fairs ...	Section five.
V of 1862 ...	Bhágdárs and Narwadárs.	In section two, the words "and it is hereby further enacted, that."
VI of 1862 ...	Ahmadábád Talukdárs.	In section fourteen, from "upon oath" down to "perjury."
II of 1863 ...	Claims to exemption from Land-Revenue.	In section three, the words "either at law or in equity." In section six, clause *Second*, section ten, and section eleven, clauses *Eighth* and *Tenth*, the words "or Court of Law or Equity."
V of 1863 ...	Gas Companies ...	In section twenty-eight, the words "Joint Magistrate, or."
VI of 1863 ...	Public Conveyances ...	In section seven, the words "standing in the name of the Commissioner of Customs."
VII of 1863 ...	Summary Settlement of Claims to exemption from Land-Revenue.	In section seven, the words "either at law or in equity." In sections nine and fourteen, the words "or Court of Law or Equity."
V of 1864 ...	Mámlatdárs' Courts ...	Section eighteen.
XIII of 1866 ...	Witnesses before Legislative Council.	Section five.
XIV of 1866 ...	Edulabad and Wurrungaom.	The preamble, and sections one and four.
III of 1867 ...	Cantonments ...	In section fifteen, the words "Bombay Act No. IV of 1865 (*an Act for the Regulation of Mofussil Gaols and the enforcement of discipline therein*) or by," and the word "other."

PART V.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
III of 1867.—*contd.*	....	Section twenty-eight. The words "and Regulations," "or Regulation," "or Regulations" wherever they occur.
VIII of 1867 ...	Village Police ...	In section five, clause *Second*, from "of Act V" down to "other Acts." Section twenty-three.
III of 1869 ...	Funds for local works ..	In section nine, the words and figures "Act XXVI of 1850, or" and "other."
I of 1872 ...	Bombay City Police Superannuation Fund.	Sections one and nine. In section three, the words and figures "as well as all moneys and securities which have accumulated under the sections of Act XIII of 1856, repealed by this Act."
II of 1872 ...	Repayment of loan to Bombay Corporation.	In section three, the words and figures "under Bombay Act II of 1865." Section nine, down to "enacted that."
III of 1872 ...	Bombay Municipal Act	Sections one, forty-eight, sixty-three, seventy-two, one hundred and forty-one, three hundred and six. In section sixty-two, the words "on and from the date when this Act comes into operation" in each of the places where they occur. In section sixty-four, the words "from and after the day on which this Act comes into operation." In sections two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, the words "within three months after the passing of this Act and" and "thereafter."

PART V.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.—*(Concluded.)*

Number and year.	Subject.	Extent of repeal.
III of 1872.—*contd.*	....	In section two hundred and twenty-nine, the first eleven words, and the words "after the date when this Act comes into operation." In sections two hundred and thirty-five and two hundred and forty-one, the words "after the passing of this Act." In sections two hundred and eight, two hundred and forty-seven, two hundred and forty-eight, the words "after this Act comes into operation." In section three hundred and seven, the words "from the date referred to in the preceding section."
I of 1873 ...	Bombay Port Trust ...	Section fifty-seven, from "Until such" to the end. Section fifty-eight. In section seventy-three, the proviso.
II of 1873 ...	Amending Bombay Municipal Act.	Section three.
IV of 1873 ...	Amending Bombay Act II of 1864.	Section two, clause 1, and the word and figure "*clause* 2."
V of 1873 ..	Steam boilers ...	Section one.
VI of 1873 ...	District Municipalities	Section one. Section four, clause four. Section nineteen, clause two.
VII of 1873 ...	Salt ...	Sections two, seven, and sixty-four.
II of 1874 ...	Jails, Bombay City ...	Section one. Section six, down to "Governor General, and." Section seven, the first thirteen words.
III of 1874 ...	Hereditary Offices ...	Section two and the schedule.

PART VI.—ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
II of 1863 ...	Smoke nuisances, Calcutta.	In section seven, the words and figures "Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay)* and Act XLVIII of 1860 *(to amend Act XIII of* 1856)," and the word "other."

ACT No. XIII.

THE INDIAN MERCHANT SEAMEN'S ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th June, 1876.*)*

An Act to amend the law relating to Merchant Seamen.

Preamble.

WHEREAS it is expedient to amend the law relating to Merchant Seamen in manner hereinafter appearing; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Indian Merchant Seamen's Act, 1876:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Interpretation-clause.

2. In this Act "seaman" includes every person (except Masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity to serve at sea for the purposes of any ship.

Distressed Seamen.

3. A certificate signed by a Secretary to the Local Government, or by such other officer as it appoints in this behalf, to the effect that any seaman named therein is distressed, shall, in all proceedings under sections 211, 212, and 213 of the Merchant Shipping Act, 1854, be conclusive evidence that such seaman is distressed within the meaning of the same sections; and any Master of a British ship refusing to accept such seaman as a distressed seaman under the provisions of the said sections shall, for each seaman with respect to whom he so refuses, be liable to a fine which may extend to one thousand rupees.

Evidence of distress of seamen.

Penalty for refusing to accept distressed seamen.

Discharge of Seamen.

4. No seaman or apprentice not shipped in British India shall be discharged without the previous sanction in writing of such officer as the Local Government appoints in this behalf; and such sanction shall be given or withheld at the discretion of the officer so appointed. But whenever it is withheld, the reasons for so withholding it shall be recorded by him in writing.

Discharge of seamen.

Any person discharging a seaman or apprentice in wilful disobedience to the prohibition contained in this section, shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Engagement of Seamen.

5. The Local Government, or such officer as it appoints in this behalf, may, by order in writing signed by its Secretary or by such officer, prohibit any person from engaging in the territories subject to the said Government, or in any specified portion of such territories, any Native of India to serve as a seaman on board any ship specified in such order; but in all such cases the reasons for the prohibition shall be stated in writing.

Engagement of Native seamen.

Whoever wilfully disobeys the prohibition contained in this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Deserters.

6. Whenever any seaman or apprentice not shipped in British India deserts or otherwise absents himself without leave from any ship in which he is engaged to serve, the Master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to such officer as the Local Government appoints in this behalf, unless in the meantime the deserter or absentee returns.

Deserters.

Any Master wilfully neglecting to comply with the provisions of this section, may be punished with fine not exceeding one hundred rupees, or imprisonment for a term which may extend to one month, or with both.

Imprisoned Seamen.

7. If any seaman or apprentice not shipped in British India is imprisoned for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, any Magistrate may deal with him in the same way as he may deal with a seaman or apprentice imprisoned on any of the grounds mentioned in section 88 of Act No. I of 1859 *(for the amendment of the law relating to Merchant Seamen).*

Power to deal with imprisoned seamen in accordance with section 88, Act I of 1859.

8. If any seaman or apprentice not shipped in British India is imprisoned on a complaint made by or on behalf of the Master or owner of the ship in which he is engaged to serve, on any of the grounds mentioned in the said Act No. I of 1859, section 88, or for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, the following rules shall be observed:—

Rules as to imprisoned seamen.

(*a*) No person shall, while such imprisonment lasts, without the previous sanction in writing of the Local Government or of

such officer as it appoints in this behalf, engage any Native of India to serve as a seaman on board such ship;

(b) the Local Government, or such officer as it appoints in this behalf, may tender such seaman or apprentice to the Master or owner of the ship in which he is engaged to serve, and if such Master or owner, without assigning reasons satisfactory to the Local Government or to such officer as aforesaid, refuse to receive him on board, may require such Master or owner to deposit in the local Shipping Office (1) the wages due to such seaman or apprentice, and his money, clothes, and other effects, and (2) such sum as may, in the opinion of the Local Government or of such officer as aforesaid, be sufficient to defray the cost of the passage of the said seaman or apprentice to the port at which he was shipped, according to the scale of cost usual in the case of distressed seamen.

Whoever wilfully disobeys the prohibition contained in clause (a) of this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Any Master or owner refusing or neglecting to deposit such wages, money, clothes, and other effects, or such sum as aforesaid, may be punished with fine not exceeding five hundred rupees, and in default of payment of such fine, to imprisonment for a term which may extend to three months.

Accommodation of Seamen.

9. And whereas it is expedient to increase the space required by the said Act No. I of 1859, section 70, to be allowed for European seamen and apprentices and for lascars or Native seamen; It is hereby further enacted as follows:—

Amendment of Act I of 1859, section 70.

Such section shall be read as if for the expressions "nine superficial feet," "fifty-four cubic feet," and "four superficial feet," the expressions "ten superficial feet," "sixty cubic feet," and "six superficial feet" were respectively substituted, and as if in the third paragraph of the same section, after the word "superficial," the words "and thirty-six cubic" were inserted.

Meaning of 'established par value.'

10. And whereas doubts have been raised as to the meaning of the expression "established par value" in the said Act No. I of 1859, section 54, for the purpose of removing such doubts, it is hereby enacted as follows:—

Meaning of expression 'established par value' in Act I of 1859, section 54.

For section 54 of Act No. I of 1859, the following shall be substituted (that is to say):

"54. When any monies are payable in India to any seaman or apprentice for wages or otherwise under any agreement wherein such monies are expressed to be payable in British currency, the seaman or apprentice shall be entitled to demand and recover in the current coin of India the amount due to him estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments."

ACT No. XIV.

THE SINDH INCUMBERED ESTATES ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th September, 1876.)

An Act to relieve from Incumbrances the estates of Jágírdárs and Zamíndárs in Sindh.

WHEREAS many jágírdárs and zamíndárs in Sindh are in debt, and their immoveable property is subject to mortgages, charges, and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

Preamble.

I.—PRELIMINARY.

1. This Act may be called "The Sindh Incumbered Estates Act, 1876:"

Short title

Commencement.

And it shall come into force on the passing thereof.

Interpretation-clause.

2. In this Act—

"Jágír-land."

"Jágír-land" includes also a share held hereditarily of the revenues of a Government village, but does not include *siri*, or *mámul*, or garden-grants:

"Jágírdár."

"Jágírdár" means a person who, or whose ancestor, was found in possession of jágir-land in Sindh on the seventeenth day of February, 1843, and to whom the said land, or a portion of the same, or other land in lieu thereof, has been continued by the British Government, and to whom, or to whose ancestor, a sanad has been, or hereafter may be, granted confirming such continuance:

"Zamíndár."

"Zamíndár" means a person holding lands in Sindh on the aggregate of which he has been assessed by the Government, on account of land-revenue for any one of the five revenue years next before the passing of this Act, a sum not less than three hundred rupees:

"Commissioner."

"Commissioner" means the Commissioner in Sindh.

II.—Of the Application and Preliminary Inquiry.

Application for the benefit of this Act.

3. At any time within twelve months after the passing of this Act, any jágírdár or zamíndár,

or any person who would be sole heir or one of the heirs to such jágírdár or zamíndár if he then died intestate,

may apply, in writing, to the Commissioner, stating that such jágírdár or zamíndár is subject to debts or liabilities, other than debts due, or liabilities incurred, to Government, or that his immoveable property is charged with debts or liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to his case.

When any jágírdár, zamíndár or other person entitled to make an application under this section is a minor, or of unsound

mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person, or by the legally constituted administrator or manager of his estate.

Order to enquire.

4. When any such application is made by or on behalf of a jágírdár, or the person who would be his sole heir if he then died, the Commissioner shall direct an enquiry to be made by such officer as he thinks fit into the nature and amount of such debts and liabilities and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same.

When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the Governor of Bombay in Council in this behalf, either to reject such application or to direct an enquiry to be made as aforesaid.

Verified statement to be submitted.

5. When an enquiry has been directed under section four the applicant shall, within a period to be fixed by the Commissioner, submit to the officer appointed to make such enquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints, and containing, so far as may be practicable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether moveable or immoveable, to meet the same, as the Commissioner, or the said officer subject to his control, may require.

False averments in statement.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code.

Report of enquiry and proceedings thereon.

6. The officer so appointed, after making enquiry, shall submit a report of his proceedings to the Commissioner.

On receipt of such report, the Commissioner may (a) direct a further enquiry, or (b) dismiss the application, or (c) by order published in the *Sindh Official Gazette*, appoint an officer (here-

inafter called the Manager) to manage the immoveable property of the debtor, and to arrange for the liquidation of his debts in manner hereinafter provided.

III.—Of the Order of Management.

"Order of management" to what it extends.

7. Such order (hereinafter called "the order of management") shall extend to all immoveable property of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject, or which are charged on the whole or any part of his immoveable property on the said date.

Commencement of management.

The management shall be deemed to commence from the date on which the order is published.

Effect of order of management.

8. On the publication of the order of management the following consequences shall ensue:

Stay of pending proceedings, &c.

First, all proceedings then pending in any Civil Court in British India in respect to the debts and liabilities mentioned in section seven shall be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended;

Bar of fresh proceedings.

Secondly, so long as the management continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court in British India in respect of such debts and liabilities;

The debtor incompetent—

Thirdly, so long as the management continues, the debtor shall be incompetent

to contract debts,

(*a*) to enter into any contract involving him in pecuniary liability, or

to encumber or alienate property under management,

(b) to mortgage, charge, lease or alienate the property under management or any part thereof, or

to grant receipts for rent thereof.

(c) to grant valid receipts for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this clause shall be deemed to preclude the Manager from letting, and the debtor from taking, the whole or any part of such property on such terms consistent with this Act, as may be agreed upon between the parties;

Fourthly, so long as the management continues, no person other than the Manager shall be competent to mortgage, charge, lease or alienate such property or any part thereof.

Manager to have powers of owner and to receive rents and profits,

9. The Manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents and profits due in respect of the property under management,

to have powers of a Collector for their recovery.

and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by a jágírdár or zamíndár, as the case may be, all the powers possessed by a Collector, under the law for the time being in force, for the recovery of land-revenue due to Government:

Provided that he shall not, before the liquidation-scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years, to take effect in possession.

Manager to pay therefrom—

10. From the sums received or recovered under section nine, the Manager shall pay—

costs of management and repairs,

First, the costs of the management, including the costs of necessary repairs;

Government revenue, &c,

Secondly, the Government revenue and all debts and liabilities for the time being due or incurred to Government in respect of the property under management;

Thirdly, the rent (if any) due to the jágírdár or other superior holder, in respect of the said property;

rent due to superior holder,

Fourthly, such periodical allowance as the Commissioner may from time to time fix for the maintenance of the debtor and his family;

allowance for maintenance of debtor,

Fifthly, the cost of such improvements of the said property as he thinks necessary, and are approved by the Commissioner.

cost of improvements, &c.

The residue shall be retained by the Manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section seven other than those so due or incurred to Government.

Residue how disposed of.

IV.—Proof of Debts and Scheme for Liquidation.

11. On the publication of the order of management, the Manager shall publish in the *Sindh Official Gazette* a notice in English and Sindhí, calling upon all persons having claims against the debtor, or the property under management, to notify the same in writing to such Manager within six months from the date of the publication.

Notice to claimants against debtor.

He shall also cause copies of such notice to be exhibited at the Mukhtiárkárs' kachahrís in the district in which the said property lies, and at such other places as he thinks fit.

Copies of notice to be exhibited.

12. Every such claimant shall, along with his claim, present full particulars thereof.

Claim to contain full particulars.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

Documents to be given up.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on

Entries in books.

which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Exclusion of documents not produced.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

Claim not duly notified to be barred.

13. Every such claim (other than claims of the Government) not notified to the Manager within the time and in the manner required by such notice shall, except as provided in section eighteen, clause (*d*), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provision for admission of claims within further period of six months.

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of section eleven, the Manager may receive such claim within the further period of six months from the expiration of the original period of six months.

Determination of debts and liabilities.

14. The Manager shall inquire into the history and merits of every claim received under sections eleven and thirteen, and shall, in accordance with the rules to be made under this act, determine the amount of the debts and liabilities (if any) justly due to the several claimants.

Power to rank debts and to fix interest.

15. If such amount cannot be paid at once, the Manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest (if any) to be paid thereon, respectively, from the date of the final decision thereon to the date of the payment and discharge thereof.

Scheme for liquidation.

16. When the total amount of the debts and liabilities (including those due and incurred to Government) has been finally determined, the Manager shall prepare and submit to the Commissioner a

schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

Provisions of scheme.

Every such scheme shall further provide for the continuance of the payments to be made by the Manager under section ten, and may provide for the improvement of the property under management either from the said income, or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other.

Proceedings of Commissioner on submission of scheme.

17. The Commissioner may

(a) as often as he thinks fit send back such scheme to the Manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

(b) sanction any liquidation-scheme, or any revised liquidation-scheme, submitted to him, either as it stands, or subject to such modifications as he may deem expedient.

Power to relinquish management.

18. At any time before he has sanctioned a liquidation-scheme under section seventeen, the Commissioner may, by an order published in the *Sindh Official Gazette,* direct that on a date fixed by such order the management shall be relinquished.

On the date so fixed—

(a) the management shall terminate;

(b) the owner of the property under management shall be restored to the possession thereof, subject to any leases made under section nine;

(c) any residue of the rents and profits of the said property, retained under the last clause of section ten, shall be paid to him; and

(d) the proceedings, processes, executions, and attachments stayed and suspended under section eight, and the debts and liabilities barred by section thirteen, shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

V.—Of the Proceedings subsequent to Sanction of the Liquidation-scheme.

Effects of sanctioning scheme.

19. When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the Local Government may from time to time by rule direct; and thereupon—

1st, all proceedings, processes, executions, and attachments stayed or suspended under section eight shall be for ever barred, and

2nd, every debt or liability due or owing to any person which was proveable before the Manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Part IV of this Act in respect of such debt or liability.

Power to remove mortgagee in possession.

20. If the property under management or any part thereof be in the possession of a mortgagee or conditional vendee, the Manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue year.

If such incumbrancer refuse or neglect to obey such order, the Manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

Nothing in this section shall be held to affect the right of any incumbrancer to receive, under the liquidation-scheme, the amount (if any) awarded to him under Part IV of this Act.

21. If the property under management or any part thereof be in the possession of any person claiming to hold under a lease dated within the three years immediately preceding the commencement of the management, the Manager, with the sanction of the Commissioner, may inquire into the sufficiency of the consideration for which the lease was given; and if such consideration appear to him insufficient, may by order, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the Manager thinks fit, and in default of such payment the lease shall be cancelled.

Power to inquire into consideration given for leases.

22. Subject to the rules made under section thirty, the Manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions, as may be agreed upon.

Power to lease.

23. At any time after the liquidation-scheme has been sanctioned as aforesaid, the Manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme—

Power to raise money by mortgage or sale.

(a) by demising by way of mortgage the whole or any part of the property under management for a term not exceeding twenty years from the publication of the order of management; or

(b) by selling, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the said property as may appear expedient.

24. The Manager's receipt for any moneys, rents or profits raised or received by him under this Act, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

Manager's receipt to be a discharge.

25. When the debts and liabilities mentioned in the liquidation-scheme have been paid and discharged, the Manager shall publish in the *Sindh Official Gazette* a notice fixing a date for the termination of the management.

Termination of management.

On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the Manager under the power conferred by section twenty-three, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers conferred by sections nine, twenty-two, and twenty-three.

Restoration of owner.

26. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided—

Death of debtor during management.

1*st*, the management shall continue and proceed in all respects as if such debtor were still living;

2*ndly*, any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by clauses (*b*) and (*c*) of section eight; and

3*rdly*, no Civil Court in British India shall, during the continuance of the management, issue any attachment or other process against any portion of the property under management, for or in respect of any debt or liability incurred by any such person whether before or after his said succession.

27. When a jágírdár or zamíndár has been restored under section twenty-five to the possession of any property, no mortgage, charge, lease or alienation of such property, or of any part thereof, made by such jágírdár or zamíndár, shall be valid as to any time beyond his natural life.

Mortgages, &c., made by restored jágírdár valid only for his life.

VI.—OF APPEAL AND REVISION.

Appeal.

28. An appeal against any decision or order under sections thirteen, fourteen, fifteen, and twenty-one, and imposing a fine or imprisonment in exercise of the powers conferred by section thirty-four, shall lie to the Commissioner, if preferred within six weeks from the date of such decision or order.

There shall be no appeal against the decision of the Commissioner on such appeal.

Power to call for proceedings and pass order thereon.

29. The Commissioner may, of his own motion or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon, consistent with the provisions of this Act, as he thinks fit.

VII.—MISCELLANEOUS.

Power to make rules.

30 The Commissioner, with the previous sanction of the Governor of Bombay in Council, may, from time to time, make rules consistent with this Act—

(*a*) to regulate the security to be required from subordinate officers under this Act;

(*b*) to regulate the procedure in all cases under this Act;

(*c*) for the guidance of officers enquiring into and determining on claims under Part IV of this Act; and in particular as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment, and as to the order of paying debts and liabilities;

(*d*) for investing any moneys received or raised by the Manager under this Act in any Government Securities of British India, and for the sale of such securities, and

(*e*) generally to carry out the provisions of this Act,.

Such rules shall be published in the *Sindh Official Gazette*, and when so published shall have the force of law.

31. Whenever the Commissioner thinks fit, he may suspend or remove any Manager and may appoint any officer in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager.

Power to appoint new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

32. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Managers to be public servants.

33. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

Investigation to be deemed a judicial proceeding.

34. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

Power to summon witnesses and compel production of documents.

35. No suit or other proceeding shall be maintained against any person in respect of any thing done by him *bonâ fide* pursuant to this Act.

Bar of suits.

36. Nothing in this Act precludes the Courts in Sindh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

Saving of jurisdiction of Courts in Sindh in respect of certain suits.

ACT No. XV.

THE BOMBAY MUNICIPAL DEBENTURES ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th September, 1876.)

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation.

Preamble.

WHEREAS, under the Bombay Municipal Act of 1865, the Justices of the Peace for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act:

And whereas, by section 255 of the same Act, it was enacted that any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Act annexed or to the like effect:

And whereas, in exercise of the said power, divers mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple indorsement and not by deed duly stamped:

And whereas it is expedient to provide that such transfers may hereafter be made by indorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force:

And whereas it is also expedient to provide for consolidating such mortgages in manner hereinafter mentioned and for renewing and subdividing mortgages so consolidated;

It is hereby enacted as follows:

Short title.

1. This Act may be called "The Bombay Municipal Debentures Act, 1876."

Transfers of Bombay municipal debentures to be by indorsement and free from stamp-duty.

2. Every mortgage of rates and taxes, authorized to be made under the said Bombay Municipal Act of 1865, or any subsequent Act, shall be transferable by indorsement on the instrument of mortgage, and no such indorsement shall be chargeable with any stamp-duty.

Validation of former transfers by indorsement.

3. Every transfer of any such mortgage heretofore made by indorsement shall be, and be deemed to have been, as valid as if this Act had been in force at the date of such transfer; and no stamp-duty shall be, or be deemed to have been, chargeable in respect of any such transfer; and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provisions of the said section 255 or of the law relating to stamp-duties for the time being in force.

Power to consolidate such debentures.

4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation may from time to time prescribe) grant to such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instrument so surrendered.

Every instrument so granted may be in the form in the schedule hereto annexed or to the like effect.

Power to renew and subdivide.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said Bombay Municipal Act of 1865 or under this Act, and on receipt of such fees as the said Corporation may from time to time prescribe in this behalf, renew or subdivide the same.

THE SCHEDULE ABOVE REFERRED TO.

Whereas *A B* of has surrendered to us, the Municipal Corporation of the City of Bombay, mortgages issued under the Bombay Municipal Act of 1865, bearing respectively the following numbers and dates (namely) [*set them out*] and securing sums amounting in the whole to Rs. . In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs. bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes. TO HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs. with interest at the rate of per cent. per annum shall be fully paid and satisfied.

Given under our corporate seal this day of 187 .

ACT No. XVI.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th October, 1876.)

An Act to amend the Stage Carriages Act.

Preamble.

WHEREAS Act No. XVI of 1861 *(for licensing and regulating Stage Carriages)* does not apply to carriages drawn by camels or oxen, and it is expedient to render it applicable to such carriages; It is hereby enacted as follows:—

Amendment of Act XVI of 1861, s. 21.

1. For the third sentence of section twenty-one of the said Act, the following shall be substituted (that is to say):

"All expressions and provisions which in this Act are applied to horses shall also apply to all other animals employed in

drawing any carriage ordinarily used for the purpose of conveying passengers for hire to or from any place in British India."

Local extent of Act XVI of 1861.

2. The said Act, as amended by this Act, applies to the whole of British India, but not so as to supersede or contravene the provisions of any local law dealing with the same subject.

ACT No. XVII.

THE OUDH LAND-REVENUE ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1876.)

An Act to consolidate and define the law relating to Land-Revenue in Oudh.

Preamble.

WHEREAS it is expedient to consolidate and define the law relating to land-revenue in Oudh; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Oudh Land-Revenue Act, 1876."

Local extent.

It extends only to the territories now under the administration of the Chief Commissioner of Oudh;

Commencement.

And it shall come into force on the passing thereof.

But all rules now in force and relating to any of the matters hereinafter dealt with shall, so far as they are consistent with this Act, continue in force until they are superseded by rules made in exercise of the powers hereinafter conferred.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Incumbrance."

"incumbrance" means a charge upon or claim against land arising out of contract between private persons:

"Agricultural year."

"agricultural year" means a year commencing on the first day of July and ending on the thirtieth day of June:

"Revenue officer."

"revenue officer" means any officer empowered by or under this Act to dispose of any matter connected with the land-revenue:

"Revenue-free."

"revenue-free" or "free of revenue" applies to land whereof the revenue has been wholly or in part released, compounded for, redeemed or assigned.

CHAPTER II.

REVENUE OFFICERS.

Chief Controlling Revenue Authority in revenue matters.

3. The Chief Controlling Revenue Authority in all matters connected with land-revenue in Oudh shall be the Chief Commissioner.

Commissioners of Division.

4. Subject to such rules as the Governor General in Council may from time to time prescribe in this behalf, the Chief Commissioner shall—

(*a*) appoint in each Division a Commissioner, who shall, subject to the control of the Chief Commissioner, exercise authority over all the Revenue Officers in his Division:

Deputy Commissioner of the District.

(*b*) appoint in each district an officer who shall be the Deputy Commissioner of the District:

Assistant Commissioner.

(*c*) appoint to each district as many other persons as he thinks fit to be Assistant Commissioners of the first or of the second class.

Subject to such rules as the Governor General in Council may from time to time prescribe in this behalf, the Chief Commissioner may suspend or remove any officer appointed under this section.

Subordination of Assistant Commissioners and other Revenue Officers.

5. All such Assistant Commissioners, and all other persons employed in maintaining revenue-records or otherwise in or about the business of the land-revenue, shall be subordinate to the Deputy Commissioner of the District.

Assistant Commissioner in charge of sub-division of District.

6. The Chief Commissioner may place any Assistant Commissioner of the first class in charge of one or more Sub-divisions of a District, and may at any time remove him therefrom.

Such Assistant Commissioner shall be called an Assistant Commissioner in charge of a Sub-division of a District, and shall exercise the powers and discharge the duties conferred and imposed upon him by this Act or by any other law for the time being in force, subject to the control of the Deputy Commissioner of the District.

The Chief Commissioner may, from time to time, delegate his powers under this section to the Deputy Commissioner of the District, and may revoke such delegation.

Power to invest certain Assistant Commissioners with powers of Deputy Commissioner.

7. Subject to such rules as the Governor General in Council from time to time prescribes in this behalf, the Chief Commissioner may confer on any Assistant Commissioner in charge of a Sub-division of a District all or any of the powers of a Deputy Commissioner; and all powers so conferred shall be exercised subject to the control of the Deputy Commissioner of the District.

Subordination of Revenue Officers.

8. Every officer of a Sub-division of a District employed in maintaining revenue-records or otherwise in or about the business of the land-revenue shall be subordinate to the Assistant Commissioner (if any) in charge of such Sub-division, subject to the general control of the Deputy Commissioner of the District.

Conferring of powers.

9. Subject to such rules as the Governor General in Council from time to time prescribes in this behalf, the Chief Commissioner may confer upon any person all or any of the powers of an Assistant Commissioner of the first or of the second class, and may, in conferring those or any other powers under this Act, empower persons by name, or classes of officials generally by their official titles, and may vary or cancel any order conferring powers under this Act.

Power to vary and cancel orders conferring powers.

Transfer of cases to subordinates.

10. The Deputy Commissioner of the District, or any Assistant Commissioner in charge of a Subdivision of a District, may make over any case, or class of cases, arising under the provisions of this Act or otherwise, for enquiry or decision, from his own file to any of his subordinates competent to deal with such case or class,

Power to withdraw cases from subordinates.

or may withdraw any such case or class of cases from any Revenue Officer subordinate to him, and may deal with such case or class himself, or refer the same for disposal to any other such Revenue Officer competent to deal therewith.

Deputy Commissioner of the District in case of temporary vacancy.

11. If the Deputy Commissioner of the District dies, or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district in revenue-matters shall be held to be the Deputy Commissioner of the District under this Act until the Chief Commissioner appoints a successor to the Deputy Commissioner so dying or disabled, and such successor takes charge of his appointment.

Powers of officers transferred to another district.

12. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any district, is transferred to an equal or higher office of the same nature within another district, he shall, unless the Chief Commissioner otherwise directs, be held to be invested with the same powers in the district to which he is so transferred.

13. Tahsíldárs shall be appointed by the Chief Commissioner, subject to such rules as to qualification or otherwise as the Chief Commissioner may from time to time make under section two hundred and twenty.

Appointment of Tahsíldárs.

CHAPTER III.

SETTLEMENT.

14. Whenever the Chief Commissioner thinks that any district or other local area liable to be brought under settlement should be so brought, he shall, with the previous sanction of the Governor General in Council, publish a notification to that effect.

Notification as to settlement.

And if he thinks that a settlement-record should be prepared for any district or other local area, he shall, with the like sanction, publish a notification to that effect.

Notification as to settlement-record.

15. The Chief Commissioner shall from time to time, with the previous sanction of the Governor General in Council, frame and issue rules regarding the mode in which the revenue-demand in respect of any local area is to be assessed; and may from time to time make rules prescribing the manner in which Settlement Officers shall report for sanction the rates and method of assessment and the amounts they propose to assess.

Chief Commissioner to issue rules as to mode of assessment.

16. The Chief Commissioner shall, with the previous sanction of the Governor General in Council, determine what documents shall form the settlement-record, and frame and issue rules regarding (a) the mode in which such record is to be prepared, (b) the facts to be therein entered, and (c) the manner in which the entries shall be attested.

Settlement record.

The Chief Commissioner may from time to time, with the same sanction, alter such rules.

17. Every entry in such settlement-record duly made and attested shall, until the contrary is proved, be presumed to be a correct record of the fact entered.

Presumption as to entries in settlement-record.

18. Every local area shall be held to be under settlement from the date of any notification published under section fourteen, and relating thereto, until the issue of another notification declaring settlement-operations to be closed therein.

Settlement to be deemed in progress until closing notified.

Every local area under settlement at the time of the passing of this Act shall be held to be under settlement within the meaning of this section without the issue of either of the notifications prescribed by section fourteen.

Settlements now in progress brought under operation of Act.

19. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, appoint an officer to be in charge of the settlement of any local area and as many Assistant Settlement Officers as the Chief Commissioner thinks fit; and such officers shall exercise the powers conferred on them respectively under this Act so long as such area is under settlement.

Appointment and powers of Settlement Officers.

20. In any local area in which a settlement of the land-revenue is in progress, the Chief Commissioner, with the previous sanction of the Governor General in Council, may by order confer on any officer making or controlling such settlement, the powers of a Civil Court of any specified grade for the purpose of trying suits and appeals, or any specified class of suits and appeals, relating to property in land assessed or assessable to revenue, in such district, and may revoke any such order; and so long as such order remains in force the jurisdiction of the Civil Courts of the same grade shall be excluded in respect of such suits and appeals.

Power to invest Settlement Officers with powers of Civil Courts in certain cases.

21. Notwithstanding the existence of any such order, the Chief Commissioner may from time to time direct that any cases pending before the Settlement Officers invested with

Power to transfer cases from Settlement Officers to Civil Courts.

the powers mentioned in section nineteen, shall be transferred to the ordinary Civil Courts of the District, if the state of business in his opinion requires such transfer.

Trial of suit relating to land and to other property.

22. If a suit relating as well to such land as other property be instituted before any officer so invested, he shall make a reference regarding the disposal of such suit to the Commissioner of the division in which the district wherein the suit was instituted is included, who shall determine by what Court the suit shall be tried.

Powers of Settlement Officers as to erection of boundary-marks and decision of disputes.

23. When any local area is under settlement, the Settlement Officer shall have power to call upon all proprietors, by proclamation to be stuck up in some conspicuous place in each village, to erect, within fifteen days from a date to be fixed in the proclamation, such boundary-marks as he may think necessary to define the limits of that village, or the mahâls or fields contained therein; and in default of their compliance within the time specified in the notice, he may cause such boundary-marks to be erected, and he shall recover the cost of such erection from the proprietors as if it were an arrear of land-revenue.

In case of dispute concerning any boundary-marks, the Settlement Officer shall decide such dispute on the basis of possession, or may refer it to arbitration, for decision on the merits as provided for in sections one hundred and ninety-one to two hundred and two, both inclusive.

Power of Settlement and Survey Officers to do necessary acts.

24. All Settlement Officers and all officers in charge of a survey made in connection with the revenue, and their assistants, servants, agents, and workmen, may do all acts necessary for any purpose connected with the settlement or survey, as the case may be.

Power to require attendance of persons concerned, and production of documents.

25. The Settlement Officer may order all persons whose presence is in his opinion necessary for any of the purposes of this chapter to attend at any specified time and place, and to produce any written document in their possession or power; and all such persons shall be legally bound to obey such order.

26. The settlement shall be made

With whom settlement to be made.

(*a*) in the case of a taluqdárí mahál, with the taluqdár,

(*b*) in the case of other mahåls, with the proprietor of the mahál; or if in any such mahál there are two classes of proprietors, superior and inferior, with either of such classes as the Chief Commissioner directs,

or if the taluqdár or proprietor has transferred possession of his mahál to a mortgagee or conditional vendee, then with such mortgagee or vendee.

Settlement of estate in possession of lunatic or minor.

If, at the time of settlement, a mahál, or any share thereof, be in the possession of a lunatic, minor or other person incapable of making a contract, the settlement shall be made on his behalf with his guardian or with the manager of his property.

Power to make joint settlement with several proprietors or their representatives.

27. When several persons are in possession of a mahál, not being a taluqdárí mahál, the Settlement Officer shall have power to make a joint settlement with all such persons, or with their representatives.

Framing and reporting general proposals of assessment.

28. The Settlement Officer shall, in accordance with the rules made under section fifteen, frame general proposals of assessment for any local area or any portion thereof regarding which a notification has been published under the first clause of section fourteen, and shall report such proposals through the Commissioner of the Division to the Chief Commissioner.

Detailed assessment and declaration thereof to persons concerned.

29. After the receipt of the orders of the Chief Commissioner thereon, and subject to such orders, the Settlement Officer shall ascertain the amount of the assessment proper for each mahál in such area, and shall declare the same to the person with whom the settlement of such mahál is to be made.

If any mahál in any such area comprise two or more villages, or portions of villages, the Settlement Officer shall declare the assessment due on each of such villages or portions of villages, together with the aggregate amount of the assessment proper in his opinion for the whole mahál.

Such declaration shall be made on a date to be notified by proclamation at the tahsíl in which such mahál is situate.

Effect of agreement to assessment proposed.

30. If the persons with whom the settlement of such mahál is to be made agree to the assessment so proposed, they and those (if any) whom they represent in interest shall become liable from the date of such agreement, or from such subsequent date as the Chief Commissioner directs, to pay such assessment in respect of such mahál;

Distribution of assessment.

and in a mahál in which the land, or part of the land, is held in severalty, the Settlement Officer shall distribute such assessment on the lands so held.

Enforcement of custom as to re-distribution of land and adjustment of revenue of shares.

31. In any mahál where, by the established custom, the land or the amount of revenue payable by each co-sharer is subject to periodical re-distribution or re-adjustment, the Settlement Officer may, on application of one or more of the co-sharers, enforce such re-distribution or re-adjustment according to such custom.

Exclusion of taluqdár declining or failing to accept settlement.

32. If the person to be settled with be a taluqdár, and such taluqdár refuse to accept the assessment offered by the Settlement Officer in respect of his entire taluqá, or in respect of any portion thereof, or if, within thirty days from the date of the declaration by the Settlement Officer under section twenty-nine, such taluqdár fail to accept such assessment, the Settlement Officer shall report the case through the Commissioner of the Division to the Chief Commissioner.

The Chief Commissioner, after hearing and considering the reasons which the taluqdár may have to urge against the assessment, may direct that the taluqdár so refusing or failing be excluded from the settlement of his entire taluqá, or of any portion thereof, for such term, not exceeding fifteen years from the date of such direction, as the Chief Commissioner shall fix; and the Settlement Officer or Deputy Commissioner shall either farm the taluqá or any portion thereof or hold it under direct management during such term, or any part thereof: provided

that no taluqdár shall be excluded from the settlement of his entire taluqá without the previous sanction of the Governor General in Council.

33. If a taluqdár be excluded from the settlement of any portion of his taluqá, and if such portion be held in sub-settlement by an under-proprietor, the farm of such portion shall be offered to such under-proprietor on such terms as the Chief Commissioner may in each case direct.

Offer of farm to under-proprietor.

34. If such under-proprietor accept the assessment so offered, the taluqdár so excluded shall be entitled to an allowance out of the profits of such portion, to be fixed by the Chief Commissioner, not exceeding the share of the gross assets, if any, to which he would have been entitled had he accepted the assessment.

Allowance to excluded taluqdár.

In other cases, the taluqdár so excluded shall (subject to the orders of the Chief Commissioner) be entitled to an allowance out of the profits of such portion, of not less than five or more than fifteen per cent. on the amount proposed to be assessed thereon.

35. In a mahál other than a taluqdárí mahál, if the person to be settled with refuse to accept the assessment offered by the Settlement Officer, or fail to accept such assessment within thirty days from the date of the declaration by the Settlement Officer under section twenty-nine, the Settlement Officer shall report the case through the Commissioner of the Division to the Chief Commissioner,

Exclusion of person declining or failing to accept settlement in a mahál.

and the Chief Commissioner may direct that the person so refusing or failing be excluded from the settlement for such term, not exceeding fifteen years from the date of such direction, as the Chief Commissioner thinks fit,

and the Settlement Officer or the Deputy Commissioner may, with the previous sanction of the Chief Commissioner, either farm the mahál or hold it under direct management during such term or any part thereof.

In such case the person so excluded shall be entitled (subject to the orders of the Chief Commissioner) to an allowance out of the profits of the

Allowance to person excluded.

mahál, of not less than five or more than fifteen per cent. on the amount proposed to be assessed thereon.

Procedure in case of some of several proprietors refusing assessment.

36. If in a mahál held on a pattídárí or imperfect pattídárí tenure, any of the co-sharers refuse or fail within thirty days from the date of the declaration by the Settlement Officer under section twenty-nine to accept the proposed assessment, the shares of such co-sharers shall be dealt with under the provisions of section thirty-five, and they shall receive an allowance, as provided in that section, in proportion to their respective shares in the mahál.

Farm of shares of proprietors refusing.

If the Settlement Officer farms any share in such mahál, the farm of such share shall be offered in the first instance to those co-sharers who have accepted the proposed terms.

Adjustment of rent of the sir-land of proprietors of mahál farmed under section 35 or 36.

37. Any proprietor excluded from settlement under sections thirty-five and thirty-six shall be entitled to hold as a tenant with a right of occupancy so much of the land in the mahál actually cultivated by him as the Settlement Officer may determine, and the rent to be paid by such proprietor for such land during such exclusion shall be fixed by the Settlement Officer at the rate which would have been paid by a tenant-at-will for the said land less four annas in the rupee.

Amount of allowance assigned under section 35 or 36 to excluded proprietor, and of difference between rent fixed under section 37 and rent payable by him if he were tenant-at-will.

38. The aggregate amount of any allowance assigned under section thirty-five or section thirty-six to any proprietor of a mahál who has been excluded from settlement, and of the difference between the rent fixed under section thirty-seven and the rent which he would be liable to pay if he were a tenant-at-will, shall not be less than* five or more than fifteen per cent. on the amount proposed by the Settlement Officer to be assessed on such mahál.

Offer of settlement to excluded proprietor on expiry of term of exclusion.

39. On the expiration of the term fixed under section thirty-two or section thirty-five, the settlement of such mahál, portion, or share comprised therein shall be offered by the

Deputy Commissioner to the person then entitled to be settled with in respect of such mahál, portion or share, at such assessment for the remainder of the term of settlement of the district as the Chief Commissioner may direct.

And if such person refuse to accept the offer, the Deputy Commissioner shall report such refusal through the Commissioner of the Division to the Chief Commissioner, and such person may be excluded from settlement for such period, not exceeding the term of the settlement of the district, as the Chief Commissioner may direct, and the provisions of sections thirty-two to thirty-eight (both inclusive) shall, so far as may be applicable, apply to his case.

Procedure on refusal.

40. The Settlement Officer shall, in accordance with the provisions of the Oudh Sub-settlement Act, 1866, so far as they are applicable, determine the rent to be paid to the proprietor by all under-proprietors in a mahál, and by all holders of heritable, nontransferable leases, whose rent has not been fixed by contract.

Determination of rent payable to proprietor.

When the rent is so determined the co-sharers may at their option agree with the Settlement Officer that the rent shall be paid either by them collectively or by one of them on behalf of himself and the others. Whenever, whether before or after the passing of this Act, rent payable by such under-proprietors or lessees has been determined by a Settlement Officer or other competent authority, all the co-sharers shall be jointly and severally responsible for the payment to the proprietor of the rent so determined.

Nothing in this section applies to rent payable by a tenant with a right of occupancy.

41. All land shall be deemed liable to be charged with the payment of revenue to Government, unless some competent authority has declared it exempt from such payment. And no length of occupancy of any land, nor any grant of land made by the proprietor, shall release such land from such liability.

Saving of liability for Government revenue.

Enquiry into cases of land released from payment of revenue.

42. The Settlement Officer shall enquire into the case of all lands released, conditionally or for a term, from the payment of revenue, and shall assess such lands if it appear to him that the conditions have been transgressed or the term has expired.

Confirmation of settlement.

43. Every settlement shall be made subject to confirmation by the Governor General in Council.

Period for which settlement is to be made.

44. The Governor General in Council shall, at some time before confirming the settlement, fix the period for which the settlement is to be made. Such period shall be fixed with reference to the agricultural year.

Revision of assessment before confirmation.

45. The assessment of any mahál may be revised at any time before it is confirmed by the Governor General in Council, and in such case the revised assessment shall be proposed to the proprietors of such mahál, and the provisions of sections twenty-three to forty (both inclusive) shall apply.

Alteration of Assessment during the Currency of a Settlement.

Annual enquiry as to revenue-free grants.

46. The Deputy Commissioner shall enquire annually into the cases of all land released from the payment of revenue conditionally, or for a term, or for the life of the grantee.

If the condition be broken, he shall report the case through the Commissioner of the Division to the Chief Commissioner for orders.

And if the term has expired, or (where the grant is for the life of the grantee) if the grantee has died, the Deputy Commissioner shall assess the land comprised therein, and shall report his proceedings through the Commissioner of the Division to the Chief Commissioner for sanction.

Assessment of land added by alluvion.

47. All land added by alluvion to a mahál is liable to assessment. Such land may be assessed and settled under rules to be framed under section two hundred and twenty.

48. Where such land is held by an under-proprietor or lessee whose rent has been fixed by a Settlement Officer, such rent shall be increased proportionately to the increase of revenue effected by such assessment.

Proportionate increase of rent payable by under-proprietor.

49. Where the revenue assessed on a mahál has, by order of the Chief Commissioner, been reduced or been wholly or in part remitted or suspended, and the land on account of which the revenue has been so reduced, remitted or suspended, is in the possession of an under-proprietor or lessee whose rent has been fixed by a Settlement Officer or other competent authority, the Chief Commissioner may declare that such under-proprietor or lessee shall be entitled (where the revenue has been reduced or remitted) to a proportionate reduction or remission of the rent payable by him in respect of such land, or (where the revenue has been suspended) to a suspension of the payment of such rent for the time during which the revenue has been so suspended, and such under-proprietor or lessee shall thereupon be entitled accordingly.

Proportionate reduction or remission of rent payable by under-proprietor or lessee.

50. Assessments under sections forty-six and forty-seven shall be made by the Deputy Commissioner in the same manner and with the same powers as if he were an officer in charge of a settlement.

Deputy Commissioner to have powers of officer in charge of settlement.

51. At any time during the currency of a settlement, the Chief Commissioner may, with the previous sanction of the Governor General in Council, invest any officer with all or any of the powers of an officer in charge of a settlement under this Act, within such limits, and with such restrictions, and for such period, as he thinks fit;

Power to invest officer with Settlement Officer's powers.

but not so as to enable him to enhance the total amount of revenue payable on account of any mahál, except in respect of land added thereto or becoming liable to payment of revenue since the confirmation of the settlement.

Resumption of Rent-free Grants.

52. All grants (whether in writing or otherwise) by proprietors, or the persons whom they represent, of land to be held exempt from the payment of rent or at a favourable rate of rent, are hereby declared to be liable to resumption, unless such grants have been sanctioned or confirmed by the Governor General in Council or the Chief Commissioner.

Liability of rent-free grants to resumption.

Provided that, if such grants are held under a written instrument (whether executed before or after the passing of this Act) by which the grantor expressly agrees that the grant shall not be resumed, they shall be held valid against him (but not as against his representatives after his death) during the continuance of the settlement of the district in which the land is situate which was current at the date of the grant.

Grants under certain instruments.

53. Proprietors wishing to resume any grants mentioned in section fifty-two and made by themselves or the persons whom they represent shall apply by petition to the principal Court of original civil jurisdiction of the district in which the land is situate for a declaration of the liability of the grant to resumption.

Application for declaration of such liability.

The Court shall cause notice of such application to be served on the grantee, and shall fix a day for hearing his objections (if any) to the declaration; and thereupon, after considering such objections (if any), may either dismiss the application with or without costs to be paid by the applicant, or declare that the grant is liable, in whole or in part, to resumption.

54. If the Court find that the grant has been made in consideration of the loss or surrender of a right previously vested in the grantee, but has not been sanctioned or confirmed as mentioned in section fifty-two, the Court shall refer the case to the Chief Commissioner, who shall make such order in the case as he thinks fit.

Procedure where grant has been made in lieu of a right, but has not been sanctioned or confirmed.

Exemptions from sections 52 and 53.

55. Nothing in section fifty-two or section fifty-three applies to either of the following cases:—

(*a*) where land is held rent-free under a judicial decision;

(*b*) where, previously to the passing of this Act, land held rent-free has been acquired for a valuable consideration and the right to resume it has been barred by the law of limitation.

CHAPTER IV.

REGISTRATION, INCLUDING THE PREPARATION AND MAINTENANCE OF REVENUE-RECORDS.

Lists and registers to be prepared by Deputy Commissioner.

56. The Deputy Commissioner of the District shall, on the basis of the settlement-record, and in accordance with such rules as the Chief Commissioner from time to time prescribes in this behalf, prepare the following lists and registers:—

The pargana register.

(*a*) A list of all the villages in each pargana or tahsíl of his district;

The málguzárí register.

(*b*) A list of all the revenue-paying mahâls in each pargana or tahsíl, showing the revenue assessed on each mahál, and the name of the person responsible for its payment, whether as sole proprietor or as lambardár;

The khewat.

(*c*) A register of all the co-sharers in each mahál with the nature and extent of the interest of each co-sharer;

Register of sub-settled mahâls with khewat.

(*d*) A register of all mahâls in which the rent of any under-proprietor or lessee has been fixed by the Settlement Officer, the names of all the co-sharers in such mahâls, together with the nature and extent of the interest of such co-sharers;

Register of under-proprietary and other tenures.

(*e*) For each mahál a list—

(1) of all under-proprietors and lessees whose rent has been so fixed, and of all tenants with a right of occupancy, with the nature and extent of the interest of each such person, and the rent (if any) which he is liable to pay therefor,

(2) of all other persons (if any) holding land free of rent, or revenue-free;

Register of revenue-free tenures.

(*f*) A register—

(1) of all land in his district held revenue-free, with the names of the holders and the conditions of the grant under which they hold,

(2) of all land declared by competent authority to be waqf or nazúl, or the property of the State;

The málikána register.

(*g*) A register of all mahals on which a málikána-allowance has been sanctioned by competent authority, with the names of the persons entitled to such allowance, the amount of such allowance, and the conditions under which it was given;

Register of jungle-grants.

(*h*) A register of all jungle-grants, the names of the grantees, and the conditions of the grants.

Correction of errors in settlement-record.

57. In the preparation of the said lists and registers, the Deputy Commissioner shall correct any errors in the settlement-record which the parties interested admit to have been made therein; and any dispute arising regarding any entry in such record shall be investigated and decided on the basis of actual possession; and all persons not in possession, but claiming the right to be so, shall be referred to a Court of competent jurisdiction: Provided that, if the claim is founded on a decree of such Court, and if, when the claim is made, the decree is capable of execution, the entry shall be in accordance with such decree.

Deputy Commissioner to keep the lists and registers.

58. The Deputy Commissioner shall keep and maintain the said lists and registers,

and he shall from time to time cause to be registered all events and transactions affecting any of the rights or interests recorded in the said registers, to such extent as the Chief Commissioner may from time to time prescribe.

Forms of lists and registers.

59. The Chief Commissioner shall prescribe the forms in which the lists and registers mentioned in section fifty-six are to be prepared,

and the manner in which, the persons by whom, and the occasions on which, the alterations referred to in section fifty-seven and section fifty-eight are to be recorded.

Power to prescribe fees for mutations.

60. The Chief Commissioner may prescribe proper fees for alteration in the lists and registers formed under the said rules: Provided that no fee for a single alteration shall exceed one hundred rupees.

Levy of fees.
Fees how spent.

Such fee shall be levied from the person in whose favour the mutation is made, and shall be expended in such manner as the Chief Commissioner thinks fit.

Notice of transfer of possession.

61. All persons obtaining the possession of land or the profits thereof, whether by succession, purchase or other form of transfer, as proprietors or under-proprietors, or as lessees whose rents have been fixed by a Settlement Officer, or as mortgagees, shall give notice of the same immediately after it has taken place to the tahsíldár of the tahsíl in which the mahál to which such land belongs is situated, or to the Deputy Commissioner of the District.

If the notification be made to the tahsíldár, that officer shall report such notice to the Deputy Commissioner.

Enquiry as to truth of transfer.

62. The Deputy Commissioner, on receiving such notice or report, shall make such enquiry as the Chief Commissioner may from time to time prescribe, to ascertain the fact of the alleged transfer of the property; and if the transfer appears to have taken place, he shall, subject to the rules framed by the Chief Commissioner under section two hundred and twenty, record the same in the appropriate register:

Provided that no such entry shall be held to affect the rights of any other person who may claim and establish in any Court of competent jurisdiction any interest in the land to which the entry has reference.

Notification in case of minority or other disqualification.

63. If the person so succeeding is a minor or otherwise under disability, the guardian or other person who has charge of his property shall give the notice required by section sixty-one.

Fine for neglect to notify.

64. Any person neglecting to give the notice prescribed in section sixty-one within three months from the date of the occurrence of the fact to be notified, shall be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding five times the amount of the fee which would otherwise have been payable under section sixty.

Power to put one party in possession in certain cases of dispute.

65. If in the course of enquiry made under section sixty-two a dispute regarding the possession of the property arises, and the Deputy Commissioner is unable to satisfy himself as to which party is in possession, he shall ascertain by summary enquiry who is the person *primâ facie* entitled to the property and shall put such person in possession, and make the necessary entry in the record accordingly, subject to any order that may be subsequently passed by the Civil Court.

Registry of transfers of interests in land other than those referred to in section 61.

66. When any person obtains possession of land or of the profits thereof, for any interest other than those referred to in section sixty-one, the transfer of such possession shall be recorded in such manner as the Chief Commissioner from time to time directs;

Enquiry in disputed cases.

and all disputed cases shall be reported to the Deputy Commissioner, who shall make such enquiry as may be necessary to ascertain the fact of the alleged transfer, and cause the record to be amended accordingly.

Inspection of registers.

67. All registers prepared under the preceding sections of this chapter shall be deemed to be public documents and the property of Government, and shall be open to public inspection at such hours, and on such conditions as to fees or otherwise, as the Chief Commissioner may from time to time prescribe.

CHAPTER V.

PARTITION AND UNION OF MAHALS.

Partitions.

68. Partition is either perfect or imperfect.

'Perfect partition.'

'Perfect partition' means the division of a mahál into two or more mahâls, severally responsible for the revenue assessed on each.

'Imperfect partition.'

'Imperfect partition' means the division of any mahál, or of any portion of a mahál, into two or more portions jointly responsible for the revenue assessed on the whole mahál.

Persons entitled to perfect partition.

69. Any recorded co-sharer in a mahál, and any person in whose favour a decree has been passed by any Civil Court, awarding to him the proprietary right in a portion of a mahál, whether such portion consists of a fractional share in the whole or a part of the mahál, or of specific lands, is entitled to claim perfect partition of his share.

Any two or more recorded co-sharers may claim that their shares be divided from the other shares by a perfect partition, and be held by them as a single mahál.

If any recorded co-sharer be under disability, the person in possession of his property shall, for the purpose of this section, be deemed to be a recorded co-sharer.

Application for perfect partition.

70. Applications for perfect partition are to be made in writing to the Deputy Commissioner of the district in which the mahál is situated;

and shall be accompanied by a certified copy of the record, showing the share held by the applicant in the mahál:

Provision as to estates situated in more than one district.

Provided that, if the mahál be situated in two or more districts, the application may be made in any one of those districts, and the partition shall be made by such one of the Deputy Commissioners of those districts as the Chief Commissioner may direct.

Notification of application.

71. The Deputy Commissioner, on receiving an application for partition, shall, if the application be in order and not open to objection on the face of it, publish a notification of the same at his office, and at some conspicuous place in the mahál to which the application relates,

and shall serve a notice on all such of the recorded co-sharers in the mahál as have not joined in the application, requiring any co-sharer in possession who may object to the partition to appear before him to state his objection, either in person or by a duly authorized agent, on a day to be specified in the notice, not less than thirty, or more than sixty, days from the date on which such notice was issued.

Notice to co-sharers not joining.

72. Where, from any cause, notice cannot be personally served on any co-sharer, the notification so published shall be deemed sufficient notice.

Notification when alone sufficient.

73. If, on or before the day so specified, any objection is made to the partition by any co-sharer in possession, and the Deputy Commissioner, on a consideration of such objection, is of opinion that there is any good and sufficient reason why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

Power to refuse partition when objection admitted.

74. If the objection raises any question of title, or of proprietary right, which has not been already determined by a Court of competent jurisdiction, the Deputy Commissioner may either decline to grant the application until the question in dispute has been determined by a competent Court, or he may proceed to enquire into the merits of the objection.

Procedure if question of title be raised.

In the latter case the Deputy Commissioner, after making the necessary inquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests of the party or parties applying for the partition, and any other party or parties who may be affected thereby.

The procedure to be observed by the Deputy Commissioner in trying such cases shall be that laid down in the Code of Civil Procedure for the trial of original suits, and he may, with the consent of the parties, refer any question arising in such case to arbitration, and the provisions of Chapter VI (relative to arbitrators) of the same Code shall apply to such references.

Procedure in such cases.

Reference to arbitration.

75. All orders and decisions passed by the Deputy Commissioner under the last preceding section, for declaring the rights of parties, shall be held to be decisions of a Court of civil judicature of first instance, and shall be open to appeal under the provisions of the Oudh Civil Courts Act.

Deputy Commissioner's decision equivalent to decision of Civil Court.
Appeal thereupon.

Upon such appeal being made, the appellate Court may issue a precept to the Deputy Commissioner, desiring him to stay the partition pending the decision of the appeal.

Appellate Court may stay partition.

76. When it has been decided to make a partition under this chapter, the Deputy Commissioner shall either give the parties the option of making the partition themselves, or of appointing arbitrators for the purpose; or he shall make the partition himself or cause it to be made by any Assistant Commissioner subordinate to him, and when made by an Assistant Commissioner, it shall be reported to the Deputy Commissioner for his confirmation.

Option to make partition themselves or to appoint arbitrators.

77. If arbitrators are appointed, the provisions of sections one hundred and ninety-one to two hundred and two, both inclusive, shall apply.

Partition by arbitrators.

In making a partition, arbitrators shall not be bound by the provisions of sections eighty to eighty-three, both inclusive; but they shall deliver a full and complete paper of partition, specifying the separate mahâls into which they propose that the mahâl shall be divided; the names of the parties to whom the several mahâls are proposed to be allotted, and the amount of land-revenue which in the opinion of the arbitrators should be assessed on each of such mahâls.

78. In making partitions, the Deputy Commissioner, and any person appointed by him, shall have the same powers to enter on the land under partition, for marking out the boundaries, surveying the mahâl, and other purposes, as are conferred on Settlement Officers under this Act.

Power to enter on land for purposes of partition.

79. When a Deputy Commissioner has decided that a partition shall be made, he may, with the sanction of the Commissioner, hold the mahál under direct management pending the completion of the partition.

Power to hold mahál under direct management pending partition.

The provisions of the law in force for the time being for the management of mahâls held under direct management under section one hundred and nineteen for arrears of revenue, shall be applicable to mahâls the management of which is assumed under this section.

The collections of the mahál shall be applied to the payment of the Government revenue, and, after defraying the expenses of management and any other expenses with which the mahál is chargeable, the residue shall be divided amongst the recorded co-sharers, in proportion to their respective shares, at such periods as the Deputy Commissioner may see fit.

80. Where there are no lands held in common, the lands held in severalty by the applicant for partition shall be declared a separate mahál, and shall be separately assessed to the Government revenue.

Partition of lands held only in severally.

81. Where some of the lands are held in common, the Deputy Commissioner shall allot to the applicant for partition his share of such lands in accordance with village-custom, if any such exist.

Partition of lands some of which are held in common.

If no such custom exist, the Deputy Commissioner shall make such division as may secure to the applicant his fair portion of the common lands.

82. The portion of the common lands falling by such partition to the share of the applicant shall be added to the land held by him in severalty, and the mahâls thus formed shall be assessed and declared separate mahâls.

Formation of separate mahâls from shares allotted in partition.

83. In making partitions under this Act, the Deputy Commissioner shall give effect to any transfer of lands held in severalty and forming part of the mahál, which has been agreed to by the parties previous to the declaration of the partition.

Transfers to be effectuated in making partition.

84. Where all the lands are held in common, the Deputy Commissioner shall make such a partition as may secure to the applicant his fair share of the mahál.

Partition where all lands are held in common.

85. In all cases each mahál shall be made as compact as possible: Provided that, except with the sanction of the Chief Commissioner, no partition be disallowed solely on the ground of incompactness.

Estate to be compact.

86. If in making the partition it be necessary to include in the mahál assigned to one sharer, the land occupied by a dwelling-house or other building in the possession of another co-sharer, such other co-sharer shall be allowed to retain it, with the buildings thereon (if any), on condition of his paying a reasonable ground-rent therefor to the sharer into whose portion it may fall.

Rule when dwelling-house of one sharer is included in mahál assigned to another.

The limits of such land, and the rent to be paid for it, shall be fixed by the Deputy Commissioner.

87. Tanks, wells, water-courses, and embankments shall be considered as attached to the land for the benefit of which they were originally made.

Rule as to tanks, wells, water-courses, and embankments.

Where, from the extent, situation or construction of such works, it is found necessary that they should continue the joint property of the proprietors of two or more of the mahals into which the mahál may be divided, the Deputy Commissioner shall determine the extent to which the proprietors of each mahál may make use of the said works, and the proportion of the charges for repairs of such works to be borne by such proprietors respectively, and the manner in which the profits, if any, derived from such works, shall be divided.

88. Places of worship and burial-grounds, held in common previous to the partition of a mahál, shall continue to be so held, unless the persons who so held them otherwise agree among themselves.

Rules as to places of worship and burial-grounds.

In such cases they shall state in writing the agreement into which they have entered, and such writing shall be filed with the record.

89. In all cases, whether partition has been made by arbitrators or otherwise, the amount of revenue to be paid in respect of each portion of a mahál partitioned under this chapter shall be determined by the Deputy Commissioner, provided that the aggregate revenue payable in respect of the new mahâls shall not exceed the revenue assessed on the mahál immediately before partition;

Determination of revenue payable by each division of a mahál.

and the proprietor of each new mahál shall be held liable for the portion of the revenue assessed on his mahál, whether a new engagement be taken from him or not.

Liability of proprietors.

90. If at any stage of any proceedings under this chapter there appears to be any reason for stopping the partition, the Deputy Commissioner may, of his own motion, or on the report of the Assistant Commissioner making the partition, stay the partition and order the proceedings to be quashed.

Power to stay partition.

91. A partition, whether made by the Deputy Commissioner himself or otherwise, shall not be deemed to be complete unless the Deputy Commissioner has made an order confirming it.

Order confirming partition.

On making such order, he shall publish a notification of the fact at his office and at some conspicuous place in each of the new mahâls,

Notification of order.

and the partition shall take effect on and from the first day of July next after the date of such notification.

Partition when to take effect.

92. An appeal against the decision of the Deputy Commissioner confirming a partition shall lie to the Commissioner of the division within one year from the date on which such partition takes effect.

Appeal to Commissioner from orders of Deputy Commissioner.

93. Where the land-revenue is fraudulently or erroneously distributed at the time of the partition, the Chief Commissioner may, within twelve years from the time of discovery of the fraud or error, order a new allotment of the land-revenue

Power to order new allotment of revenue on proof of fraud or error in first distribution.

upon the several mahâls into which the mahâl has been divided, on an estimate of the assets of each mahâl at the time of the partition, to be made conformably to the best evidence and information procurable respecting the same.

Making of imperfect partitions.

94. Imperfect partition shall be carried out according to the provisions of sections sixty-nine to ninety-two (both inclusive) so far as they are applicable: Provided that no application for imperfect partition shall be entertained unless the consent of recorded co-sharers holding in the aggregate more than one moiety of the property of which partition is sought be first obtained.

Civil Courts barred from entertaining applications for partitions.

95. No Civil Court shall entertain any suit or application for perfect or imperfect partition.

Previous imperfect partitions and partitions of under-proprietary mahâls.

96. All imperfect partitions and all partitions perfect or imperfect of under-proprietary mahâls hitherto made, shall be deemed to have been made under the provisions of this Act.

Union of mahâls originally part of same village.

97. If two or more revenue-paying mahâls have originally formed portions of the same village, the proprietor shall be entitled to have such mahâls united and to hold them as a single mahâl.

Application for such union.

98. Every application for the union of such mahâls shall be made in writing to the Deputy Commissioner of the district in which the mahâls are situate.

Application how dealt with.

If the Deputy Commissioner see no objection, he shall comply with the application, and cause the necessary entries to be made in the register of his office, reporting the case to the Commissioner of the division.

Partition or union of revenue-free mahâls.

99. The provisions of this chapter, so far as they are applicable, may be applied by order of the Deputy Commissioner to the partition or union of mahâls held free of revenue.

Partition of taluqdârí and under-proprietary mahâls.

100. The partition of taluqdârí and under-proprietary mahâls and of mahâls held by lessees whose rent has been fixed by the Settlement Officer or other competent authority,

shall be carried out according to the provisions of sections sixty-nine to ninety-three (both inclusive), so far as they are applicable.

Assignment of inferior mahâls.

(*a*) In the partition of taluqdârí mahâls, all mahâls, whether under proprietary or held by lessees whose rent has been fixed by the Settlement Officer or other competent authority, shall, if practicable, be assigned to one or other of the new taluqás to be formed by the partition;

(*b*) if any such mahâl cannot be assigned in whole, the assignment shall be made by thoks, pattís or other existent sub-divisions;

(*c*) and if no other satisfactory arrangement can be made, such mahâl shall be partitioned;

(*d*) in cases in which one portion of any such mahâl is assigned to one taluqá and another portion to another taluqá, each portion shall be deemed a separate mahâl, the joint responsibility of the co-sharers being limited to such portion.

Objection to distribution of rental.

101. Whenever a partition of a mahâl, whether under-proprietary or held by lessees whose rent has been fixed as aforesaid, is effected under this Act, the amount of rent to be paid in respect of each portion shall be determined by the Deputy Commissioner, and the person to whom such rent is payable may present an application in writing to the Deputy Commissioner objecting to the distribution of the rental over the several parts into which the mahâl has been divided, and praying that such objection may be heard and determined; and his objection shall be heard and determined, and the Deputy Commissioner shall record his reasons for such determination.

CHAPTER VI.

MAINTENANCE OF BOUNDARIES.

Power of Deputy Commissioner to enter and survey.

102. The Deputy Commissioner and his subordinates shall have power to enter upon and survey land, and to demarcate the boundaries of mahâls, villages, and fields.

Obligations of owners as to boundary-marks.

103. All owners of mahâls, villages or fields are bound to maintain and keep in repair at their own cost the boundary-marks lawfully erected thereon.

Payment for erasing, removing or injuring marks.

104. Any person convicted before a Deputy Commissioner of wilfully erasing, removing or damaging any such boundary-mark, may be ordered by the convicting officer to pay such sum, not exceeding fifty rupees for each mark so erased, removed or damaged, as may be necessary to defray the expense of restoring such mark, and of rewarding the informer (if any) through whom the conviction was obtained.

Who is to be charged for re-erection and repair when offenders not discoverable

105. Whenever the person erasing, removing or damaging any such mark cannot be discovered, or if for any other reason the sum which he has been so ordered to pay cannot be recovered, the mark shall be re-erected or repaired at the charge of the owner or owners of such one or more of the conterminous field or mahâls as to the Deputy Commissioner seems fit.

Powers of Deputy Commissioner as to boundary disputes and boundary-marks

106. The Deputy Commissioner may decide, on the basis of possession, all disputes concerning boundaries, and may at any time direct the owners of mahâls, villages or fields, by written notice served upon them,

(*a*) to cause proper boundary-marks to be erected in such mahâls, villages or fields.

(*b*) to repair the boundary-marks lawfully erected in such mahâls, villages or fields.

Power to erect or repair boundary-marks.

107. In default of compliance with such direction within fifteen days from the date of the service of the notice, the Deputy Commissioner shall cause such boundary-marks to be erected or repaired, as the case may be, and shall charge the cost of such erections or repairs to the owners of the counterminous mahâls, villages or fields in such proportion as he thinks fit.

CHAPTER VII.

COLLECTION OF THE LAND-REVENUE.

Responsibility of proprietors of mahál for land-revenue.

108. In the case of every mahál the entire mahál shall be charged with, and all the proprietors jointly and severally shall be responsible to Government for, the revenue for the time being assessed on the mahál.

The term "proprietors" shall, for the purposes of this chapter, include all persons in possession for their own benefit.

Chief Commissioner may make rules as to payment of revenue.

109. The Chief Commissioner may, from time to time, make rules as to the instalments in which, and the persons, places, and times to whom and at which, the revenue payable in respect of any land shall be paid.

Payment until issue of rules.

110. Until the issue of such rules the said revenue shall be paid in the instalments, to the persons, and at the times and places in which, to whom, and at which, it is now paid.

Effect of non-payment.

111. Any sum not so paid becomes thereupon an arrear of revenue, and the proprietor responsible for it becomes a defaulter.

No interest shall be demanded on any arrear of land-revenue.

Defaulters in case of settlements with lambardárs.

112. If the settlement of any land has been made with a lambardár, and if there be an arrear of revenue due in respect of such land, both the lambardár and the co-sharers of the mahál from which the arrear is due shall be deemed defaulters.

Evidence of arrear.

113. A statement of account certified by the tahsíldár shall, for the purposes of this chapter, be conclusive evidence of the existence of the arrear, of its amount, and of the person who is the defaulter.

Writ of demand.

114. When an arrear of land-revenue has accrued, a writ of demand or summons to appear may issue, calling on the defaulter to pay the amount within a time therein stated.

115. At any time after an arrear of land-revenue becomes due, such officer as the Chief Commissioner from time to time empowers in this behalf, may arrest the defaulter and detain him in custody for fifteen days, unless the arrear, together with the costs of arrest, is sooner paid.

Arrest and detention of defaulter.

116. If the arrear be not paid within fifteen days, and no good reason for the non-payment is shown, the Deputy Commissioner may issue an order to the jailor of the civil jail of the district, directing him to confine the defaulter therein as a civil prisoner until the arrear is paid, or until the expiration of such period, not exceeding six months from the date of the order, as the Deputy Commissioner thinks fit; and such person shall be confined according to the terms of such order:

Imprisonment in civil jail.

Provided that no person exempted under the law for the time being in force from personal attendance in the Civil Courts, no taluqdár and no female, shall be subject to arrest or imprisonment under this and the preceding section.

117. The Deputy Commissioner may, whether the defaulter has been arrested and imprisoned or not, order the attachment and sale of so much of his moveable property as will, as nearly as may be, defray the arrear.

Attachment and sale of moveables.

Nothing herein contained shall authorize the attachment and sale of articles set aside exclusively for the use of religious endowments; or, in the case of an agriculturist, of instruments of husbandry and of cattle *boná fide* kept for the cultivation of his land; or, in the case of an artisan, of his tools; nor of any other articles exempted by the law for the time being in force from sale in execution of decrees of Civil Courts.

118. Every attachment and sale ordered under the preceding section shall be conducted according to the law in force for the time being for the attachment and sale of moveable property under the decree of a Civil Court.

Conduct of sale.

119. When an arrear of land-revenue has become due in respect of a share, pattí or mahál, the Deputy Commissioner may, in addition to, or instead of, the processes hereinbefore specified, cause such share, pattí or mahál, to be attached and taken under the direct management of any agent whom he appoints for that purpose.

Property may be attached and taken under direct management.

For the purpose of managing the property so attached, the agent so appointed shall have all the rights, and be subject to all the liabilities, with respect to such property, of the person for whose default it was attached;

Powers and obligations of agent.

until the arrears of land-revenue due therefrom have been satisfied, or until the Deputy Commissioner directs him to restore the person whose interest has been attached to the management thereof.

120. All surplus profits of the property so attached after defraying thereout any instalment of land-revenue that may become due during such management, and the cost of such attachment and direct management, shall be applied to discharging the arrear of revenue on account of which it was ordered.

Application of surplus profits.

And no such management shall continue after such arrear has been discharged as aforesaid, and any surplus remaining after payment of the charges mentioned in the first clause of this section shall be handed over to the proprietor.

Termination of management.

121. If an arrear of land-revenue has become due in respect of the share of any member of a village-community, such community, or any member thereof, may tender payment of such arrear, or may offer to pay such arrear by instalments.

Transfer of share of defaulter to solvent co-sharers.

If such tender be made, or if the Deputy Commissioner considers such offer satisfactory, the Deputy Commissioner may transfer the share of the defaulting member to the community or member making the tender or offer, on such terms as the Deputy Commissioner thinks fit, and either for a term of years, or until such arrear is paid.

In case of conflicting tenders or offers under this section, the co-sharer who, in case the share were sold, would have a right of pre-emption under section nine of the Oudh Laws Act, shall be preferred.

When transfer of share is to become absolute.

122. If such share is so transferred until the arrear is repaid, and if the arrear is not repaid within twelve years from the date of the transfer, the community or member to whom the share has been so transferred may apply in writing to the Deputy Commissioner to publish a notification that, if the arrear is not paid within one year from the date thereof, such transfer will become absolute.

The Deputy Commissioner shall publish such notification accordingly, and if the arrear is not repaid before the expiration of one year from the date of the notification, the transfer to such community or member shall become absolute.

Procedure not to affect joint liability of co-sharers.

123. The procedure prescribed in the two preceding sections shall not affect the joint liability of the co-sharers of the mahál.

When settlement may be annulled.

124. When any arrear of land-revenue has become due in respect of any pattí or mahál, and the Deputy Commissioner is of opinion that the processes hereinbefore provided are not sufficient for the recovery of such arrear, he may, in addition to, or instead of, any such process, report, through the Commissioner of the division, the matter to the Chief Commissioner, and the Chief Commissioner may thereupon order the existing settlement of such pattí or mahál to be annulled.

Exception of certain arrears.

The provisions of this section shall not be put in force for the recovery of any arrear of land-revenue which may have accrued on land,

(*a*) while attached under section one hundred and nineteen, or

(*b*) while in charge of the Court of Wards.

When settlement has been annulled, the Deputy Commissioner may manage the land himself, or by agent, or let it in farm.

125. When the settlement of any pattí or mahál has been annulled under the last preceding section, the Deputy Commissioner may, with the previous sanction of the Chief Commissioner, either manage the land by himself or an agent, or let it in farm to any

person willing to accept the same, for such term and on such conditions as may be approved by the Chief Commissioner:

Provided that the term for which a pattí or mahál may be so managed or let be not longer than fifteen years from the first day of July next after the date of such annulment.

Suspension of contracts.

And no interest in or right to such pattí or mahál, or any part thereof, created or assigned by any person who, immediately before the annulment of the settlement, was in possession of the whole or any part of the land comprised therein, or by any person through whom he claims, shall, during the continuance of such term, be binding on the Deputy Commissioner or his agent or lessee.

Proclamation of attachment or annulment of settlement.

126. When the Deputy Commissioner attaches any land under section one hundred and nineteen, or when the settlement of any land has been annulled under section one hundred and twenty-four, he shall make public proclamation thereof on the mahál.

And he may realize all arrears of rent becoming due in respect of such land by under-proprietors or by lessees whose rent has been fixed by a Settlement Officer, as if they were arrears of land-revenue.

Payments thereafter to defaulter not to discharge payer.

127. No payment made after such proclamation on account of rent or other profit of the land so attached, or of which the settlement has been so annulled, to any person other than the Deputy Commissioner or his agent or lessee, shall be credited to the person making such payment, or relieve him from liability to payment to the Deputy Commissioner, his agent or lessee.

Payments to defaulter in anticipation of due date.

128. No payment made to the defaulter in anticipation of the usual period for the payment of rents, shall, without the special sanction of the Deputy Commissioner, be credited to the person making the same in account with the Deputy Commissioner, or with his agent or lessee.

Recovery of balance due by farmer.

129. When any land has been let in farm under section one hundred and twenty-five, any balance due by the lessee as such may be recovered from him or his surety (if any) as if it were an arrear of revenue.

Suspension of responsibility of co-sharers for revenue of portion of mahál as to which settlement is annulled.

130. Whenever the settlement of any portion of a mahál is annulled under section one hundred and twenty-four, the joint responsibility of the co-sharers of the mahál for the revenue of such portion subsequently becoming due, shall be in abeyance until a new settlement of such portion is made under section one hundred and thirty-one.

Offer of settlement to proprietor on expiry of period for which land is managed or farmed.

131. After the expiration of the period for which any land has been managed or let in farm under section one hundred and twenty-five, the Deputy Commissioner shall offer to the person entitled to be settled with under section twenty-six a new settlement, on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the district; and if such person refuse such offer, the Deputy Commissioner may (with the previous sanction of the Chief Commissioner) either manage the land by himself or an agent, or let the same in farm, under the provisions of sections thirty to thirty-eight, both inclusive.

Power to sell land to recover revenue-arrears.

132. When an arrear of land-revenue has become due in respect of any pattí or mahál, and the Deputy Commissioner of the district is of opinion that the other processes hereinbefore provided are not sufficient for the recovery of such arrear, he may, in addition to, or instead of, all or any such other processes, and subject to the provisions next hereinafter contained, and with the previous sanction of the Chief Commissioner, sell by auction the pattí or mahál in respect of which such arrear is due:

Provided that no pattí or mahál shall be sold—

(*a*) for any arrears of land-revenue which may have become due in respect thereof while it was under the management of the Court of Wards, or held under the provisions of the Oudh Taluqdárs' Relief Act, or when the proprietor or under-proprietor

thereof was, at the time the arrear accrued, a female deemed by the Chief Commissioner incompetent to manage her estate, a minor, an idiot or a lunatic;

(b) for any arrears of land-revenue which may have become due while it was under attachment under section one hundred and nineteen; or

(c) for any arrears of land-revenue which may have become due while it was under direct management by the Deputy Commissioner, or in farm by any other person, under sections thirty-two, thirty-five, one hundred and twenty-five or one hundred and thirty-one.

Land to be sold free of incumbrances.

133. Land sold under the last preceding section shall be sold free of all incumbrances,

Grants and contracts void against purchaser.

and all grants and contracts previously made by any person other than the purchaser in respect of such land shall become void as against the purchaser at the auction-sale.

Exceptions.

Nothing in the former part of this section applies to leases of lands at fair rents, for the erection of dwelling-houses or manufactories, or for mines, gardens, tanks, canals, places of worship or burying-grounds.

Power to direct sale to be made subject to incumbrances.

134. The Chief Commissioner may, notwithstanding anything contained in section one hundred and thirty-three, at any time before a sale of land for arrears of revenue has been actually made, direct it to be made subject to such of the interests in or rights to such land created by the proprietor in possession thereof, or any person through whom he claims, as the Chief Commissioner thinks fit.

Power to cancel restricted sale, and re-sell under section 133.

When the proceeds of a sale so made are not equal to the arrears due at the time of sale, the Chief Commissioner may, at any time before the Commissioner of the division has confirmed the sale, direct it to be cancelled and a new sale of the land to be made under section one hundred and thirty-three.

Power to proceed against defaulter's other immoveable property.

135. If the arrear cannot be recovered by any of the above processes, and the defaulter is in possession of any other immoveable property, the Deputy Commissioner may proceed against such other property, as if it were the land on account of which the revenue is due under the provisions of this Act:

Provided that no interest save those of the defaulter alone shall be so proceeded against, and no incumbrances created or contracts entered into by him in good faith shall be rendered invalid by such proceeding.

Procedure in effecting sale.

136. On the receipt of the sanction of the Chief Commissioner to the sale of any land, the Deputy Commissioner of the district shall issue a proclamation, in the vernacular language of the district, of the intended sale, specifying the time and place of sale,

and (when the land to be sold is a mahál or part of a mahál paying revenue to Government) the revenue assessed upon it, together with any other particulars he may think necessary.

Contents of proclamation.

137. When the land is sold for arrears of revenue due in respect thereof, the proclamation shall declare that the land is to be sold free of every incumbrance except the leases mentioned in section one hundred and thirty-three, and except the interests and rights, if any, referred to in the first paragraph of section one hundred and thirty-four.

The particulars of such leases, interests and rights, shall be given in the proclamation.

Such proclamation shall be made at the head-quarters of the tahsíl in which the land is situate, and also in the village of which it is a part.

Notification of sale.

138. A written notice of the intended sale and of the time and place thereof shall be affixed in the office of the Deputy Commissioner of the district, and where the Assistant Commissioner in charge of the sub-division in which the land is situate has a separate office, then also in such office, and a copy of such notice shall be served on the defaulter.

139. Every sale under this chapter shall be made either by the Deputy Commissioner of the district in person or by an Assistant Commissioner specially appointed by him in this behalf.

Sale by whom to be made.

No such sale shall take place on a Sunday or other authorized holiday, or until after the expiration of at least thirty days from the date on which the said notice thereof has been affixed in the office of the Deputy Commissioner of the district, and proclamation of the sale has been made in the village in which the land is situate.

Time when sale may be made.

The Deputy Commissioner of the district may, from time to time, postpone the sale, reporting such postponement to the Commissioner of the division.

140. If the defaulter pay the arrear of revenue in respect of which the land is to be sold at any time before the day fixed for the sale, to the person appointed by Government under section one hundred and nine to receive payment of the revenue assessed on such land, or to the Deputy Commissioner of the district, or the Assistant Commissioner in charge of the sub-division of the district, the sale shall be stayed.

When sale may be stayed.

141. The person declared to be the purchaser shall be required to deposit immediately twenty-five per cent. on the amount of his bid, and in default of such deposit the land shall forthwith be again put up and sold.

Deposit by purchaser.

Re-sale in default of deposit.

142. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the land took place, or, if the said fifteenth day be a Sunday, or other authorized holiday, then on the first office-day after such fifteenth day;

Purchase-money when to be paid.

and in default of payment within such period, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting

Re-sale in case of default.

purchaser shall forfeit all claim to the property, or to any part of the sum for which it may be subsequently sold.

143. If the proceeds of the sale which is eventually made be less than the price bid by such defaulting purchaser, the difference shall be leviable from him under the rules contained in the Code of Civil Procedure for the execution of a decree for money.

Liability of purchaser for loss by re-sale.

144. No re-sale under section one hundred and forty-two in default of payment of the purchase-money shall be made unless and until a fresh notice has been issued in the manner prescribed for the original sale.

Notification before re-sale.

145. At any time within thirty days from the date of the sale, application in writing may be made to the Commissioner of the division to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it.

Application to set aside sale.

146. No sale shall be set aside on such ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of the irregularity or mistake complained of.

When sale may be set aside.

147. After the expiration of the said thirty days if no such application as is mentioned in section one hundred and forty-five has been made, or if such application has been made and rejected, the Commissioner of the division shall make an order confirming the sale;

Order confirming or setting aside.

and if such application be made and allowed, the Commissioner shall make an order setting aside the sale.

Every order made under this section shall be final.

148. If no such application be made within the time allowed by section one hundred and forty-five, all claims founded on the irregularity or mistake complained of shall, as against the Government, be barred.

Bar of claims against Government.

Nothing herein contained shall preclude the institution of a suit in a Civil Court for the purpose of setting aside a sale on the ground of fraud.

149. Whenever the sale of any land is set aside, the purchaser shall be entitled to receive back his purchase-money, with or without interest at such rate, not exceeding six per cent. per annum, as the Commissioner of the division thinks fit.

Refund of purchase-money when sale set aside.

150. After a sale of land in respect of which an arrear of revenue is due has been confirmed in manner aforesaid, the Deputy Commissioner of the district shall, unless the purchase has been made subject to a right of some other person to possession, put the person declared to be the purchaser into possession of the land, and shall grant him a certificate to the effect that he has purchased the land to which the certificate refers, and such certificate shall be deemed to be a valid transfer of such land, but need not be stamped or registered as a conveyance.

On confirmation of sale, purchaser to be put in possession.

If the land has been sold on account of an arrear of revenue due in respect thereof, the certificate shall also either state that the purchaser has purchased the land to which the certificate refers free of every incumbrance other than the leases mentioned in section one hundred and thirty-three, or shall specify the incumbrances subject to which the land has been sold.

151. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Bar of suit against certified purchaser.

152. When a sale of land has been confirmed under section one hundred and forty-seven, the proceeds of the sale shall be applied in the first place to defraying the expenses of sale and to the payment of any arrears due in respect of such land at the date of the confirmation of such sale and recoverable as an arrear of land-revenue,

Application of proceeds of sale.

and the surplus (if any) shall be paid to the person whose land has been sold;

or, if the land sold were held in shares, then to the co-sharers collectively, or according to the amount of their recorded interests, at the discretion of the Deputy Commissioner of the district.

Surplus not to be paid to creditors, nor retained by Government, except under order of Court.

153. Such surplus shall not (except under an order of a Civil Court) be payable to any creditor of the person whose land has been sold, nor shall it (except under a like order) be retained in the Government treasury.

Liability of purchaser for revenue.

154. The person named in the certificate of title as purchaser of any land shall be liable for all instalments of land-revenue becoming due in respect of such land subsequently to the date of the confirmation of the sale.

Pre-emption by co-sharers when land sold is a pattí of a mahál.

155. Where any land sold under section one hundred and thirty-two is a pattí of a mahál, any recorded co-sharer, not being himself in arrear with regard to the revenue due in respect of such land, may, if the lot has been knocked down to a stranger, claim to take the said land at the sum last bid:

Provided that such claim be made on the day of sale, and before the officer conducting the sale has left the office for the day, and provided that the claimant fulfil all the other conditions of the sale.

Payment under protest and suit for recovery.

156. Whenever proceedings are taken under this chapter against any person for the recovery of any arrear of revenue, he may pay the amount claimed under protest to the officer taking such proceedings,

and upon such payment the proceedings shall be stayed,

and (subject to the pecuniary limitations prescribed by law) the person against whom such proceedings were taken may sue the Government for the amount so paid in any Civil Court situate in the district where such proceedings were taken;

and in such suit, the plaintiff may, notwithstanding section one hundred and thirteen, give evidence of the amount which he alleges to be due from him.

Proprietor of mahál when to be deemed a tenant with right of occupancy.

157. Any proprietor or under-proprietor of a mahál or portion of a mahál, that is attached, transferred, held under direct management, farmed or sold under the provisions of this Act, who may, at the date of the order of such attachment, transfer, direct management, farm or sale, hold any land within such mahál or portion of a mahál in his cultivating occupancy, shall be deemed to be a tenant with a right of occupancy in respect of so much of such land as the Deputy Commissioner may determine, and the rent to be paid by him for such land shall be fixed by the Deputy Commissioner under the provisions of the Oudh Rent Act.

Assistance to recover rent of mahál held in sub-settlement.

158. Whenever a mahál or pattí is held in sub-settlement, or under a heritable, non-transferable lease, the rent payable under which has been fixed by the Settlement Officer or other competent authority, and the rent of such mahál or pattí falls into arrear, the proprietor, instead of suing the defaulter under Act No. XIX of 1868, may, within the period limited for such a suit, apply in writing to the Deputy Commissioner requesting him to realize such arrear.

The Deputy Commissioner shall, on receipt of such application, satisfy himself as to the existence of such arrear, and shall then, subject to such rules as may from time to time be made in this behalf by the Chief Commissioner, proceed to recover such arrear as if it was an arrear of revenue.

If in addition to or in lieu of the other remedies applicable to the recovery of arrears of revenue, the Deputy Commissioner thinks it necessary or expedient to annul the sub-settlement of any such mahál or pattí, he shall refer the case with his opinion thereon to the Chief Commissioner, and the Chief Commissioner may thereupon annul the existing sub-settlement of such mahál or pattí for such period (not exceeding fifteen years) as he thinks fit; and the new sub-settlement to be made on the expiration of such period shall be made in accordance with the provisions of section forty and (so far as is practicable) with those of section one hundred and thirty-one.

Tenure of land under expired settlement until new settlement is made.

159. If the term for which any settlement has been made expires before a new settlement is made, all persons with whom a settlement has been made, who continue after the expiration of such term to occupy the land comprised in the expired settlement shall, until a new settlement is made, hold the said land upon the conditions of the expired settlement.

Provisions applied to arrears due at commencement of Act.

160. The provisions of this Act with regard to the recovery of arrears of revenue shall apply to all arrears of land-revenue and sums of money recoverable as arrears of land-revenue and due when this Act comes into force.

CHAPTER VIII.

COURTS OF WARDS.

Deputy Commissioners to be Courts of Wards.

161. Deputy Commissioners shall, subject to the control of the Commissioner of the division and of the Chief Commissioner, have the power of a Court of Wards within their respective districts for the superintendence of the persons and property of all persons who may become entitled as proprietors or under-proprietors, or lessees whose rent has been fixed by a Settlement Officer, to any beneficial interest in a mahál or portion of a mahál assessed to the payment of land-revenue or held free of revenue, and who are either disqualified for the management of their own estates or are committed by a Civil Court to the care of the Deputy Commissioner:

Bar of jurisdiction in certain cases.

Provided that the Court of Wards shall not take charge of or administer any beneficial interest in an estate, in which more persons than one have a joint undivided interest, unless all such persons are so circumstanced as to be subject to the Court of Wards.

Persons when disqualified to manage their estates.

162. Persons shall be held to be disqualified to manage their own estates when they are—

(*a*) females deemed by the Chief Commissioner incompetent to manage their estates,

(*b*) minors,

(*c*) idiots,

(*d*) lunatics,

(*e*) persons who may, in the opinion of the Chief Commissioner, be otherwise rendered incapable by physical defects or infirmities from managing their estates,

(*f*) persons convicted of a non-bailable offence and disqualified in the opinion of the Chief Commissioner, by vice or bad character, from managing their estates,

(*g*) persons declared by the Chief Commissioner on their own application to be disqualified from managing their estates.

Enquiry into minority, lunacy, idiocy, &c.

163. The Deputy Commissioner may make an enquiry into the disqualification of any person whom he has reason to believe disqualified within the meaning of section one hundred and sixty-two, clauses (*b*), (*c*) or (*d*), and into the circumstances and property of any such person, and may make an order declaring him to be subject to the jurisdiction of the Court of Wards.

Jurisdiction of Court of Wards.

164. The Court of Wards may assume or refrain from assuming the superintendence of the person or property of any disqualified person, and may at any time release any person or property from its superintendence: Provided that such person or property has not been placed under the Court of Wards by any competent authority whose order is necessary to his or its release.

Report to Chief Commissioner when right of Court of Wards is disputed by persons other than those specially provided for.

165. If in any case not specially provided for by this or any other law for the time being in force, the right of the Court of Wards to assume or retain the superintendence of the estate of a disqualified person is disputed by such person, the case shall be reported to the Chief Commissioner, whose orders thereon shall be final.

Extent of jurisdiction.

166. The jurisdiction of the Court of Wards shall extend to the care and education, and to the management of the property, of the persons subject thereto.

167. The Court of Wards may appoint managers of the property of disqualified proprietors, and if such proprietors be minors, idiots or lunatics, may appoint guardians for the care of their persons, and may remove and control such managers and guardians.

Appointment, removal and control of guardians.

168. Proprietors may appoint guardians for their heirs, if disqualified, by will executed and attested in manner required in case of taluqdárs by Act No. I of 1869, and in case of other proprietors by the Indian Succession Act, 1865; but the Court of Wards shall be competent to remove such guardian for any sufficient reason.

Power of proprietors to appoint guardians for disqualified heirs.

169. The Court of Wards may direct where all male minors under its jurisdiction shall reside for the purpose of education or otherwise.

Powers of Court of Wards as to male minors within its jurisdiction.

170. The manager appointed by the Court of Wards shall have power to collect the rents of the land entrusted to him, as well as all other money due to the disqualified proprietor, and to grant receipts therefor;

Powers of manager.

and he may, subject to the control of the Court, grant or renew such leases and farms, not being for a longer period than five years, as may be necessary for the good management of the property.

171. The manager shall manage the property committed to him diligently and faithfully for the benefit of the proprietor, and shall in every respect act to the best of his judgment for the proprietor's interest as if the property were his own.

Duties of manager.

172. The Court of Wards shall have power to give such leases or farms of the whole or parts of the immoveable property under its charge, and to mortgage or sell any part of such property, and to do all such other acts, as it may judge to be most for the benefit of the property and the advantage of the disqualified proprietors.

Power of Court of Wards as to land under its charge.

173. Persons whose property is under the superintendence of the Court of Wards shall not be competent to create, without the sanction of

Disabilities of persons subject to Court of Wards.

the Court, any charge upon or interest in such property or any part thereof.

Their property exempt from being taken in execution of certain decrees.

174. No such property shall be liable to be taken in execution of a decree made in respect of any contract entered into by any such person while his property is under such superintendence.

Suits by and against disqualified proprietors in charge of Court of Wards.

175. All disqualified proprietors whose property is in charge of the Court of Wards shall sue and be sued by and in the name of their guardians, where guardians have been appointed:

Provided that no such suit shall be maintained or defended by any guardian without the sanction of the Court of Wards.

Suits by such proprietors when no guardian appointed.

176. If no such guardian has been appointed, the disqualified proprietors shall sue and be sued by and in the name of the Court of Wards.

Rules relating to managers.

177. Every manager appointed by the Court of Wards shall—

(a) give such security as the Court of Wards thinks fit, duly to account for what he shall receive in respect of the rents and profits of the property for which he is appointed;

(b) pass his accounts at such periods and in such form as the Court of Wards directs;

(c) pay the balance due from him thereon;

(d) apply for the sanction of the Court of Wards to any act which may involve the property in expense not previously sanctioned by such Court;

(e) be entitled to such allowance as the Court of Wards thinks fit, for his care and pains in the execution of his duties;

(f) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

CHAPTER IX.

Powers of Officers.

A.—Powers of Assistant Commissioners.

Powers of Assistant Commissioners in charge of sub-divisions.

178. An Assistant Commissioner in charge of a sub-division shall as such have the following powers:—

(*a*) to refer cases for inquiry or decision to his subordinates;

(*b*) to withdraw cases from his subordinates and to deal with them himself, or to refer them for disposal to any other subordinate officer competent to deal with them;

(*c*) to order changes in the proprietary register;

(*d*) to levy fees for mutations;

(*e*) to receive notices of, and to enquire into, cases of reported transfers;

(*f*) to levy fines, under section sixty-four;

(*g*) to declare the person best entitled to property and put him in possession, under section sixty-five;

(*h*) to enquire into and dispose of disputes, under section sixty-six;

(*i*) to report on revenue-free holdings, and to assess revenue on resumed grants;

(*j*) to assess alluvial lands;

(*k*) to receive applications for and make partitions under Chapter V of this Act, subject to the confirmation of the Deputy Commissioner of the district;

(*l*) to impose fines for injuries to boundary-marks, and, in certain cases, apportion the charges of re-erecting and repairing boundary-marks;

(*m*) to call on owners to erect or repair boundaries, and, in default, to erect and repair and charge the cost to owners, and to decide disputes regarding boundaries;

(*n*) to attach and sell moveable property of defaulters, under section one hundred and seventeen;

(*o*) to fix, under section one hundred and fifty-seven, the area of the land to be held as a tenant with right of occupancy and the rent to be paid for it by proprietors of mahâls which have

been attached, transferred, held under direct management, farmed or sold, under the provisions of this Act, for land in their cultivating occupancy;

(p) to give orders as to the appointment, suspension, dismissal, punishment, remuneration, and supervision of patwárís, under sections two hundred and six to two hundred and twelve, both inclusive.

Powers of Assistant Commissioners of first class not in charge of sub-divisions.

179. Assistant Commissioners of the first class, not in charge of sub-divisions of districts, shall exercise all or any of the powers conferred on Assistant Commissioners of the first class in charge of sub-divisions, in such cases or class of cases as the Deputy Commissioner of the district may, from time to time, refer to them for disposal.

Powers of Assistant Commissioners of second class.

180. All Assistant Commissioners of the second class shall have power to investigate and report on such cases as the Deputy Commissioner of the district or Assistant Commissioner in charge of a sub-division of a district may, from time to time, commit to them for investigation and report.

B.—Powers of Settlement Officers.

Powers of officers in charge of a settlement.

181. Officers in charge of a settlement may exercise all the powers conferred by or under this Act on Settlement Officers, and by section ten on the Deputy Commissioner of the district, but none but an officer in charge of a settlement or an Assistant Settlement Officer specially empowered by the Chief Commissioner shall have power—

(a) to frame proposals for assessment;

(b) to distribute the assessment;

(c) to re-distribute land or revenue under section thirty-one;

(d) to determine the rent payable under section forty by under-proprietors or lessees;

(e) to exclude proprietors from settlement for refusal to engage;

(f) to adjust the rent of excluded proprietors;

(g) to resume and assess revenue-free land.

182. All other powers conferred on Settlement Officers by this Act shall be exercised by Assistant Settlement Officers, under such restrictions as the officer in charge of a settlement may from time to time impose.

Powers of Assistant Settlement Officers.

183. The Chief Commissioner may, with the previous sanction of the Governor General in Council, invest any officer in charge of a settlement with all or any of the powers of a Deputy Commissioner under this Act, and any Assistant Settlement Officer with all or any of the powers conferrible on an Assistant Commissioner under this Act, within such limits, and with such restrictions, and for such period, as he thinks fit.

Investing of Settlement Officers with powers of Deputy Commissioner and Assistant Commissioner.

CHAPTER X.

APPEALS.

Officers to whom appeals lie.

184. Appeals shall lie under this Act as follows:—

(*a*) to the Chief Commissioner, from any order passed by a Commissioner, except such orders as are made on appeal from orders passed by Deputy Commissioners in the exercise of their appellate jurisdiction;

(*b*) to the Commissioner, from orders, original or appellate, passed by Deputy Commissioners or officers in charge of a settlement in any proceeding held under the provisions of this Act;

(*c*) to the Deputy Commissioner, from orders passed by any Assistant Commissioner;

(*d*) to the officer in charge of a settlement, from orders passed by an Assistant Settlement Officer.

185. No appeal under section one hundred and eight-four, clauses (*c*) and (*d*), shall be brought after the expiration of thirty days from the date of the order complained of.

Limitation of appeals.

No appeal under the same section, clause (*b*), shall be brought after the expiration of six weeks from the date of the order complained of, unless otherwise specially provided.

No appeal under the same section, clause (*a*), shall be brought after the expiration of two months from the date of the order complained of.

186. In computing the period prescribed for an appeal under this chapter, the day on which the order complained of was passed, and the time requisite for obtaining a copy of such order, shall be excluded.

Time to be excluded.

187. Any appeal under this chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the officer to whom he appeals that he had sufficient cause for not presenting the appeal within such period.

Admission of appeal after period of limitation.

No appeal shall lie against an order under this section admitting an appeal.

188. The officer to whom the appeal lies may either admit or summarily reject the appeal. If he admit the appeal, he may reverse, modify or confirm the order appealed against, or he may direct such further investigation to be made, or such additional evidence to be taken, as he may think necessary, or he may himself take such additional evidence.

Procedure on admitting appeal.

189. In every case in which an appeal is admitted, the execution of the order appealed may, pending the result of the appeal, be suspended.

Suspension of order appealed against.

190. The Chief Commissioner and every Commissioner shall have power to call for the file of any proceeding held by any officer, subordinate to him, and to pass such orders thereon as he thinks fit.

Power to call for files of subordinate officers.

CHAPTER XI.

Reference to Arbitration.

191. The Chief Commissioner, a Commissioner of a Division, a Deputy Commissioner, an Assistant Commissioner of the first class, an Officer in charge of a settlement, or an Assistant Settlement Officer may, with the consent of the parties, by order, refer any

Power to refer disputes to arbitration.

dispute before him to arbitration; and any officer acting under the provisions of sections one hundred and two to one hundred and seven, both inclusive, may, with the consent of the parties, refer to arbitration any dispute arising before him respecting the matters mentioned in the same sections.

What to be specified in order of reference.

192. In referring any such dispute to arbitration, the officer making the reference shall specify, in the order of reference, the precise matter submitted to the arbitrators, and such period as he may think reasonable for the delivery of the award;

and he may from time to time extend such period.

Appointment of arbitrators.

193. The parties to the case may each nominate either one or two arbitrators, provided that each party shall nominate the same number;

and a third or fifth arbitrator (as the case may be) shall be appointed by the parties, or, in the event of their being unable to agree, by the officer making the reference.

Power to excuse arbitrator from serving, and to call for nomination of substitute.

194. Every officer making a reference under this chapter may, on good cause shown, excuse any person from serving as an arbitrator, and may call on the party who nominated such person to nominate another in the place of the person so excused.

Nomination of new arbitrator in place of one dying or failing to act.

195. If an arbitrator die, desire to be discharged, or refuse or become incapable to act, the party who nominated him shall nominate another person in his place.

Nomination by officer when parties fail.

196. If in any of the cases provided for by section one hundred and ninety-four or section one hundred and ninety-five, any party fail for a week to nominate in manner aforesaid, the officer making the reference shall appoint some person to act as arbitrator.

Award.

The arbitrators shall determine and award concerning the matters referred to them for arbitration; and the parties disputing, and all persons claiming through them respectively, shall abide by and perform the award of the arbitrators.

197. If the arbitrators require the presence of the parties, or any other persons whose evidence may be necessary, they shall apply to the officer making the reference, who shall summon such parties or persons;

Summoning parties to give evidence.

and all such parties or persons shall be bound to attend, either in person or by agent, as the arbitrators may require, and to state the truth as to the subject-matter of the reference, and to produce such documents and other things as may be required before the arbitrators.

Obligation of persons summoned.

198. The award shall be made in writing under the hands of the arbitrators, and shall be submitted by them to the officer making the reference, who shall cause notice to be served on the parties to attend and hear the award.

Preparation and submission of award.

199. The officer making the reference may remit the award or any of the matters referred to arbitration to the re-consideration of the same arbitrators,

In what cases award or subject of arbitration may be remitted to arbitrators.

(a) if the award has left undetermined some of the matters referred to arbitration, or if it determine matters not referred to arbitration;

(b) if the award is so indefinite as to be incapable of execution;

(c) if an objection to the legality of the award is apparent upon the face of the award.

200. No award shall be liable to be set aside except on the ground of corruption or misconduct of all or any of the arbitrators.

Grounds on which award may be set aside.

Any application to set aside an award shall be made within ten days after the day appointed for hearing the award.

Application to set aside.

201. If the officer making the reference does not see cause to remit the award or any of the matters referred to arbitration for reconsideration in the manner aforesaid,

Decision according to award.

and if no application has been made to set aside the award, or if he has refused such application,

he shall decide in accordance with the award of the majority of the arbitrators,

and shall fix the amount to be allowed for the expenses of the arbitration, and direct by and to whom, and in what manner, the same shall be paid.

Bar to appeal and suit in Civil Court.

202. Such decision shall not be open to appeal, and shall be at once carried out;

and no Civil Court shall entertain any suit for the purpose of setting it aside or against the arbitrators on account of their award.

CHAPTER XII.

OF PATWARIS.

Power to require appointment of patwárí.

203. The Chief Commissioner may require the appointment of a patwárí for any village, villages or local area, for which, by reason of prior usage or of the requirements of the locality, he thinks that a separate patwárí is necessary.

Responsibility of proprietors in respect of patwárís.

204. All proprietors and under-proprietors shall be responsible for the nomination of duly qualified persons to fill the office of patwárí, and for the punctual and accurate performance by their nominees of the duties prescribed for them by the rules framed under the next following section.

The mortgagees and conditional vendees of such proprietors and under-proprietors shall, if in possession of the land mortgaged or conditionally sold, be deemed to be, for the purpose of this chapter, proprietors and under-proprietors.

Power to make rules as to qualifications, &c., of patwárís.

205. The Chief Commissioner may, from time to time, make rules consistent with this Act for regulating the qualifications, enrolment, and duties of patwárís.

Patwárís by whom appointed.

206. Appointments of patwárís shall ordinarily be made by the Deputy Commissioner on the nomination of the proprietors or under-proprietors. If, in the area for which the patwárí is to act, there

are more proprietors or under proprietors than one, the nominee of those proprietors or under-proprietors who own the largest extent of land in that area shall be deemed to have been nominated for the appointment.

If a mahál is under direct management, or under the charge of the Court of Wards, or under the management of a manager appointed under the Oudh Taluqdárs Relief Act, the Deputy Commissioner shall, for the purpose of nominating a patwárí, be deemed to be a proprietor or under-proprietor.

Procedure where proprietors fail to nominate.

207. If the proprietors or under-proprietors fail to nominate a patwárí within a reasonable time, the Deputy Commissioner shall give them notice in writing to do so, and if they further fail to do so for fifteen days after the receipt of such notice, he may appoint a patwárí.

Procedure where nominee is not qualified.

208. If the Deputy Commissioner considers that a nominee is not qualified for the office of patwárí, he shall refuse to appoint him, and shall call upon the proprietors or under-proprietors to nominate some other fit person, and if no fit person be nominated within the following fifteen days, he shall himself appoint a person to the vacant office.

Removal of patwárí on request of all the persons entitled to appoint.

209. The Deputy Commissioner shall remove a patwárí from his office, if all the persons entitled to appoint to the office request his removal, unless the Deputy Commissioner has reason to think that such request is caused by a fraudulent or other improper motive.

Removal on request of some of such persons.

210. The Deputy Commissioner may remove a patwárí from his office, if any of the proprietors or under-proprietors, or any of the tenants of the local area for which such patwárí has been appointed, apply to the Deputy Commissioner for his removal: but the Deputy Commissioner shall first give to the patwárí and to the proprietors or under-proprietors (if any) who have not joined in the application, reasonable opportunity of showing cause why such patwárí should not be removed.

Procedure where Deputy Commissioner thinks that patwárí should be continued.

211. If the Deputy Commissioner thinks that a patwárí whose removal is applied for ought to be continued in office, or if he thinks that a patwárí is not qualified for his office, he may order that the patwárí shall be continued in office or be removed, as he thinks fit.

Power to make rules as to appointment, &c., of patwárís.

212. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules consistent with this Act, for the appointment, suspension, dismissal, punishment, remuneration, and supervision of patwárís. Such rules may, among other things, prescribe the amount to be paid for the salaries of patwárís, for the necessary expenses of their office, and for the remuneration of the kánúngos (if any) appointed to supervise them, and the persons by whom such payments are to be made.

Exemption from sections 206 to 212.

213. The provisions contained in sections two hundred and six to two hundred and twelve (inclusive) shall not, by force only of this Act, apply to the appointment, dismissal, punishment or remuneration of patwárís for taluqás which are in the possession of their owners; but the Chief Commissioner may order all or any of such provisions to be so applied in the cases mentioned in section two hundred and fifteen.

Power to order patwárí's papers to be prepared at expense of taluqdár.

214. If in any such taluqá the taluqdár fails to appoint a patwárí as required by this Act, or if the patwárí fails to prepare or submit any of the papers or accounts required by this Act or any rules made hereunder, the Deputy Commissioner may, for any one year, cause such papers or accounts to be prepared and submitted at the expense of the taluqdár.

Power to apply sections 206 to 212 to local areas.

215. On the request of any taluqdár,

or if any taluqdár persistently or repeatedly fails

(1) to nominate persons to fill the office of patwárí, or

(2) to ensure the punctual and accurate performance by his nominees of the duties prescribed for them by the rules framed under this chapter,

the Chief Commissioner may order that all or any of the provisions contained in sections two hundred and six to two hundred and twelve inclusive, shall be applied to the taluqá of the taluqdár making such request or default, or to any local area therein, for such term as the Chief Commissioner thinks fit; and may rescind or modify such order:

Provided that, in the case of the taluqdár making such request, the term shall not exceed his life, and that, in the case of the taluqdár making such default, the term shall not exceed his life or fifteen years, whichever period first expires.

CHAPTER XIII.

MISCELLANEOUS.

Place for holding Court.

216. Subject to the orders of the Chief Commissioner,

(*a*) a Commissioner may hold his Court at any place within his division that he thinks fit:

(*b*) a Deputy Commissioner, an Assistant Commissioner (whether in charge or not of a sub-division of a district), or an officer in charge of a settlement or Assistant Settlement Officer, may hold his Court at any place within the limits of the district to which he is appointed; and

(*c*) a Tahsíldár may hold his Court at any place within the limits of his tahsíl.

Power to summon persons to give evidence and produce documents.

217. The Chief Commissioner and any officer mentioned in the last preceding section shall have power to summon any person whose attendance he considers necessary for the purpose of any investigation, suit, or other business before him.

All persons so summoned shall be bound to attend, either in person or by authorized agent, as such officer may direct,

and to state the truth upon any subject respecting which they are examined,

and to produce such documents and other things as may be required.

Conduct of proceedings.

218. All proceedings held under the provisions of this Act shall be conducted according to the rules for the time being prescribed under section two hundred and twenty.

Matters excepted from cognizance of Civil Courts.

219. No Civil Court shall exercise jurisdiction over any of the following matters:—

(*a*) the claim of any person to be settled with, or

the validity of any engagement with Government for the payment of revenue, or

the amount of revenue, cess or rate to be assessed on any mahál, or portion of a mahál, under this or any other Act for the time being in force, or

the rent to be paid to a proprietor by an under-proprietor or a lessee whose rent has been fixed by the Settlement Officer:

(*b*) any claims connected with or arising out of any process enforced on account of neglect or refusal to accept the assessment or terms of sub-settlement proposed by the Settlement Officer:

(*c*) the formation of the settlement-record,

the preparation, signing or attestation of any of the documents contained therein, or

the notification of settlement:

(*d*) the distribution, on partition, of the land or allotment of the revenue of a mahál, or of the rent of an under-proprietary tenure, or of rent payable by lessees whose rent has been fixed by a Settlement Officer:

(*e*) the determination of the rent to be paid by any person under section eighty-six:

(*f*). claims connected with, or arising out of, the collection of revenue or any process enforced on account of an arrear of revenue, or on account of any sum which is by this or any other Act realizable as revenue, other than claims under section one hundred and fifty-six:

(*g*) claims to set aside a sale for arrear of revenue, other than claims under section one hundred and forty-eight.

In all the above cases, jurisdiction shall rest with the revenue officers only.

220. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make and issue rules consistent with this Act, and relating to the following matters:—

Power to make rules for purposes of Act.

(*a*) the qualifications, appointment, duties, remuneration, punishment, and dismissal of—

(1) tahsíldárs,

(2) lambardárs or representatives of village communities,

(3) kánúngos or superintendents of revenue-records;

(*b*) for regulating the assessment of land gained by alluvion, or the reduction of the assessment of a mahál in consequence of diluvion;

(*c*) the procedure to be followed by any officer or other person who, under any provision of this Act, is required or empowered to take action in any matter;

(*d*) the person by whom, and the time and manner at or in which, anything for the doing of which provision is hereinbefore made in this Act, shall be done;

(*e*) the form and contents of reports to be furnished by officers required or empowered to take action in any matter, and the period within which such reports shall be furnished;

(*f*) the form and contents of the registers and lists kept under this Act;

(*g*) the mode of recovering arrears of rent under section one hundred and fifty-eight, the extent to which they may be recovered, and the amount which may be retained by the Deputy Commissioner to defray the expenses of such recovery;

(*h*) the cases in which taluqdárí maháls, and maháls, whether under-proprietary or held by lessees whose rents have been fixed by the Settlement Officer or other competent authority, may be partitioned under this Act;

(*i*) the costs of partitions under this Act and the persons by whom they are to be paid, and the mode of enforcing such payment against such persons or their shares in the property of which partition has been made;

(*j*) the issue, under section one hundred and fourteen of writs of demand or summons to appear, and the costs recoverable

from the defaulter, and the officer by whom such writs and summonses shall be issued;

(*k*) and generally to carry out the provisions of this Act.

Recovery of fines and costs.

221. All fees, fines, costs, and other moneys ordered to be paid under this Act, shall be recoverable as if they were an arrear of land-revenue.

ACT No. XVIII.

THE OUDH LAWS ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1876.)

An Act to declare and amend the laws to be administered in Oudh.

Preamble.

WHEREAS it is expedient to declare and amend the laws to be administered in Oudh; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Oudh Laws Act, 1876:"

Local extent.

It extends only to the territories for the time being under the administration of the Chief Commissioner of Oudh;

Commencement.

And it shall come into force on the passing thereof.

Repeal of enactments.

2. The Regulations, Acts, Rules, and Orders mentioned or referred to in the first schedule hereto annexed shall be repealed to the extent mentioned in the third column of the said schedule.

PART II.

GENERAL LAWS TO BE ADMINISTERED IN OUDH.

Statutory law to be administered in Oudh.

3. The law to be administered by the Courts of Oudh shall be as follows:—

(*a*) the laws for the time being in force regulating the assessment and collection of land-revenue;

(*b*) in questions regarding succession, special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, bastardy, family-relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be—

(1) any custom applicable to the parties concerned which is not contrary to justice, equity or good conscience, and has not been, by this or any other enactment, altered or abolished, and has not been declared to be void by any competent authority;

(2) the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, except in so far as such law has been, by this or any other enactment, altered or abolished, or has been modified by any such custom as is above referred to;

(*c*) the rules contained in this Act;

(*d*) the rules published in the local official Gazette as provided by section forty, or made under any other Act for the time being in force in Oudh;

(*e*) the Regulations and Acts specified in the second schedule hereto annexed, subject to the provisions of section four, and to the modifications mentioned in the third column of the same schedule;

(*f*) subject to the modifications hereinafter mentioned, all enactments for the time being in force and expressly, or by necessary implication, applying to British India or Oudh, or some part of Oudh;

(*g*) in cases not provided for by the former part of this section, or by any other law for the time being in force, the Courts shall act according to justice, equity, and good conscience.

Validity of local customs and mercantile usages.

4. All local customs and mercantile usages shall be regarded as valid, unless they are contrary to justice, equity or good conscience, or have, before the passing of this Act, been declared to be void by any competent authority.

PART III.

CHAPTER I.

DOWER AMONG MUHAMMADANS.

Muhammadan dower-contracts how to be enforced.

5. Where the amount of dower stipulated for in any contract of dower by a Muhammadan is excessive with reference to the means of the husband, the entire sum provided in the contract shall not be awarded in any suit by decree in favour of the plaintiff, or by allowing it by way of set-off, lien or otherwise to the defendant; but the amount of the dower to be allowed by the Court shall be reasonable with reference to the means of the husband and the status of the wife.

Rule applicable after husband's death.

This rule shall be applicable whether the suit to enforce the contract be brought in the husband's life-time or after his death.

CHAPTER II.

PRE-EMPTION.

Right of pre-emption.

6. The right of pre-emption is a right of the persons hereinafter mentioned or referred to, to acquire, in the cases hereinafter specified, immoveable property in preference to all other persons.

Presumption as to its existence.

7. Unless the existence of any custom or contract to the contrary is proved, such right shall, whether recorded in the settlement-record or not, be presumed—

(*a*) to exist in all village communities, however constituted, and whether proprietary or under-proprietary, and in the cases referred to in section forty of the Oudh Land-Revenue Act, and

(b) to extend to the village site, to the houses built upon it, to all lands and shares of lands within the village boundary, and to all transferable rights affecting such lands.

Its existence in towns to be proved.

8. The right of pre-emption shall not be presumed to exist in any town or city, or any sub-division thereof, but may be shown to exist therein, and to be exercisable therein by such persons and under such circumstances as the local custom prescribes.

Devolution of right when property to be sold or foreclosed is a proprietary or under-proprietary tenure.

9. If the property to be sold or foreclosed is a proprietary or under-proprietary tenure, or a share of such a tenure, the right to buy or redeem such property belongs, in the absence of a custom to the contrary,

1*st*, to co-sharers of the sub-division (if any) of the tenure in which the property is comprised, in order of their relationship to the vendor or mortgagor;

2*ndly*, to co-sharers of the whole mahál in the same order;

3*rdly*, to any member of the village community; and,

4*thly*, if the property be an under-proprietary tenure, to the proprietor.

Where two or more persons are equally entitled to such right, the person to exercise the same shall be determined by lot.

Notice to pre-emptors.

10. When any person proposes to sell any property, or when he forecloses a mortgage upon any property, in respect of which any persons have a right of pre-emption, he shall give notice to the persons concerned of the price at which he is willing to sell such property, or of the amount due in respect of such mortgage, as the case may be.

Such notice shall be given through the Court within the local limits of whose jurisdiction the property or any part thereof is situate, and shall be deemed sufficiently given if it be stuck up on the chaupál or other public place of the village or city in which the property is situate.

Loss of right of pre-emption.

11. Any person having a right of pre-emption in respect of any property proposed to be sold, shall lose such right, unless within three

months from the date of such notice he or his agent pays or tenders the price aforesaid to the person so proposing to sell.

Right of pre-emptor on foreclosure.

12. When the right of pre-emption arises in respect of the foreclosure of a mortgage, any person entitled to such right may, at any time within three months after the giving of the notice required by section ten, pay or tender to the mortgagee or his successor in title the amount specified in such notice, and shall thereupon acquire a right to purchase the property.

On completion of the purchase the person exercising the right of pre-emption shall be bound to pay to the mortgagee or his successor in title the amount specified in such notice, together with interest on the principal sum secured by the mortgage, at the rate specified by the instrument of mortgage, for any time which has elapsed since the date of the notice, and any additional costs which may have been properly incurred by the mortgagee or his successor in title.

Suit to enforce right of pre-emption.

13. Any person entitled to a right of pre-emption may bring a suit to enforce such right on any of the following grounds (namely)—

(*a*) that no due notice was given as required by section ten;

(*b*) that tender was made under section eleven or section twelve and refused;

(*c*) in the case of a sale, that the price stated in the notice was not fixed in good faith;

(*d*) in the case of a mortgage, that the amount claimed by the mortgagee was not really due on the footing of the mortgage and was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged.

If, in the case of a sale, the Court finds that the price was not fixed in good faith, the Court shall fix such price as appears to it to be the fair market-value of the property sold.

If, in the case of a mortgage, the Court finds that the amount claimed by the mortgagee was not really due on the footing of the mortgage, and that it was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged, the amount to be paid to the mortgagee shall not exceed what the Court finds to be such market-value.

14. If the Court find for the plaintiff, the decree shall specify a day on or before which the purchase-money or the amount to be paid to the mortgagee shall be paid.

Decree to fix time for payment.

15. If such purchase-money or amount is not paid into Court before it rises on that day, the decree shall become void, and the plaintiff shall so far only as relates to such sale or mortgage, lose his right of pre-emption over the property to which the decree relates.

Effect of non-payment of purchase-money.

CHAPTER III.

PROCEDURE OF THE COURTS.

16. The Judicial Commissioner's Circular No. 104 of July 1860, shall be held to have been a notification within the meaning of section twenty-four of Act No. XIV of 1859; and such Act shall be deemed to have been in force in Oudh from the fourth day of July, 1862; and all orders and decrees passed under the rules contained in the said Circular, or under the said Act, shall be deemed to have been passed under a law in force for the time being.

Rule of limitation.

Nothing in this section affects the provisions of sections 102, 104, 105, 106, 107, and 108 of the Oudh Rent Act (XIX of 1868) with regard to the limitation of suits under that Act.

17. The provisions of the Oudh Civil Courts Act, 1871, section 28, shall cease, and be deemed to have ceased, to have effect in any district from the date of the notification under section 26 of that Act.

Act XXXII of 1871, s. 28, to cease in any district from date of notification that it is no longer under settlement.

18. Section 17 of Act VIII of 1859 is hereby repealed, so far as the province of Oudh is concerned, and the following section is substituted therefor:—

Recognized agent.

"The recognized agents of parties by whom such applications and appearances may be made are—

"A permanent servant, partner, relation or friend, whom the Court may admit as a fit person to represent a party, and

especially persons holding powers-of-attorney from absent parties, parties carrying on business on behalf of bankers and traders, managing agents of landlords, nearest male relations of women, and persons *ex-officio* authorized to act for Government or for any Prince or Chief.

"Whenever the personal appearance of a party to a suit is required by this Act, such appearance may be made by his recognized agent, unless the Court shall otherwise direct; and anything which by this Act is required or permitted to be done by a party in person may be done by his recognized agent. Notices given to, or processes served on, a recognized agent, relative to a suit, shall be effectual for all purposes, in relation to the suit, as if the same had been given to, or served on, the party in person, unless the Court shall otherwise direct; and all the provisions of this Act, relative to the service of notices or processes on a party to a suit, shall be applicable to the service of notices and processes on such recognized agent."

Rules for taking evidence.

19. Section 172 of Act No. VIII of 1859 is hereby repealed, so far as the province of Oudh is concerned, and the following section is substituted therefor :—

"On the day appointed for the hearing of the suit, or on some other day to which the hearing may be adjourned, the evidence of the witnesses in attendance shall be taken orally in open Court in the presence and hearing and under the personal direction and superintendence of the Judge.

"A note of the essential points of the evidence of each witness is to be taken at the time, and in the course of oral examination, by the officer who tries the case, in his own language, or in English if he is sufficiently acquainted with that language, and such note shall be filed, and shall form part of the record of the case.

"If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his deposition as taken down to be interpreted to him in the language in which it was given.

"It shall be in the discretion of the Court to take down, or cause to be taken down, any particular question and answer, if there appear any special reason for so doing, or any party or his pleader requires it.

"If any question put to a witness be objected to by either of the parties or their pleaders, and the Court allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the party making it shall be noticed in taking down the depositions, together with the decision of the Court upon the objection.

"The Court shall record such remarks as it may think material respecting the demeanour of the witness while under examination.

"If the Judge be prevented from making a note as above required, he shall record the reason of his inability to do so, and shall cause such note to be made in writing from his dictation in open Court, and shall sign the same, and such note shall form part of the record."

Execution-sale of ancestral and acquired property in land.

20. So much of section 205 of the Code of Civil Procedure as renders land liable to sale in execution of a decree, shall be subject to the following restriction:—

No ancestral property in land shall be sold in satisfaction of a decree without the permission of the Chief Commissioner; no self-acquired property in land shall be so sold without the permission of the Commissioner.

Explanation.—In this section the words "ancestral property" include the immoveable property of persons admitted to engagement for the land-revenue at the summary settlement of 1858-59.

Appointment of manager of land attached.

21. Whenever the Civil Court thinks fit under the said Code to provide for the management of land attached in execution of a decree, the Court shall issue a precept to the Deputy Commissioner of the district wherein such land is situate, directing him to take charge of such land, and to appoint a person for the care and management thereof under adequate security for the faithful discharge of his duty.

The precept shall describe the land comprised in such direction, and the attachment shall not be withdrawn without a further precept from the Court to that effect.

Nothing in this section authorizes a Civil Court to direct a Deputy Commissioner to take charge of land not in the actual possession of the judgment-debtor or of some one whom the judgment-debtor has a present right to remove from possession.

Service of process within jurisdiction of Lucknow Civil Court.

22. Notwithstanding anything contained in the said Code, any Civil Court sitting within the local limits of the jurisdiction of the Lucknow Civil Court, but exercising jurisdiction beyond such limits, may cause summonses, warrants, notices, and other processes to be served within the local limits of the jurisdiction of the Lucknow Civil Court without causing the same processes to be served through such Court.

Section substituted for section 109, Act XIX of 1868.

23. The following section is substituted for section 109 of the Oudh Rent Act:—

"The provisions of the Code of Civil procedure, as in force in Oudh, shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals, and proceedings under this Act."

Section substituted for section 118, Act XIX of 1868.

24. Section 118 of the Oudh Rent Act is repealed, and the following section is substituted for it:—

Execution not to issue on decree after lapse of three years from date.

"118. No process of execution shall be issued on a decree under this Act on any application made after the lapse of three years from the date of such decree, unless the decree be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law in force as to the period allowed for the execution of decrees of the Civil Courts."

Right of occupancy in judgment-debtor's sír-land.

25. Any proprietor or under-proprietor of a mahál or portion of a mahál, which is attached, transferred, held under direct management, farmed or sold under the provisions of the Code of Civil Procedure, who may, at the date of the order for such attachment,

transfer, management, farm or sale, hold any land within such mahál or portion of a mahál in his cultivating occupancy, shall be deemed to be a tenant with a right of occupancy in respect of so much of such land as the Deputy Commissioner shall determine, and the rent to be paid by him for land so determined shall be fixed by the Deputy Commissioner under the provisions of the Oudh Rent Act.

Revenue Agents authorized to appear, &c., in rent-suits.

26. Notwithstanding anything contained in Act No. XX of 1865, all persons duly admitted and enrolled as Revenue Agents under that Act in the territories for the time being under the administration of the Chief Commissioner of Oudh may appear, plead and act in suits under the Oudh Rent Act in the Courts of officers exercising the powers of Assistant Collectors, Deputy Collectors, Collectors, and Commissioners, under the same Act.

Power to make rules for custody and sale of attached property.

27. With the sanction of the Chief Commissioner, the Judicial Commissioner may from time to time make rules consistent with this Act and with the Code of Civil Procedure,

(a) for the custody and sale of moveable property attached in execution of decrees;

(b) for the levy of a fee or commission on the sale of attached property, and the disposal of the funds accruing from such fees;

(c) as to the appointment and remuneration of persons by whom property is to be attached, kept in custody and sold; and

(d) as to the appointment and remuneration of persons by whom local investigations under section 180 and investigations and adjustments of accounts under section 181 of the Code of Civil Procedure are to be made.

Power to revise decrees and orders of subordinate Courts.

28. The Judicial Commissioner may, at any time within one year from the time of the passing of any decree or order by any Court subordinate to him, call for the proceedings in the case, and may, if he see sufficient grounds, revise and alter, or reverse or confirm, the said decree or order. But in such case,

before revising, altering or reversing the decree or order, he shall cause the same notice to be given to the party in whose favour it was pronounced, and the same opportunity to such party to be heard in support thereof, and the same proceedings to be taken, as if a memorandum of appeal had been filed by the party aggrieved thereby.

CHAPTFR IV.

VILLAGE AND ROAD POLICE.

Right to nominate village-policemen.

29. The nomination to the post of village-policeman shall be made by the zamíndár of the village, or, where there are more zamíndárs than one, by the lambardár as their representative; and where there are more lambardárs than one, the opinion of the majority (unless there is some special provision to the contrary in the village-administration-paper) shall prevail.

Obligation to nominate.

30. Every person authorized to nominate to the office of village-policeman shall, within fifteen days after the occurrence of a vacancy in such office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the district.

Discretion to appoint or reject nominee.

31. The person so nominated shall, after due enquiry into his age, character, and ability, be appointed or rejected at discretion by such Magistrate, or by some officer authorized by him in that behalf.

Power to Magistrate to appoint.

32. In default of such nomination within the said fifteen days, the Magistrate of the district shall appoint such person as he thinks fit to the vacancy.

Procedure in case of rejection of nominee.

If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made, but the nominee is again rejected, the Magistrate of the district shall appoint such person as he thinks fit to the vacancy.

Appointment of road-police.

33. Subject to the rules to be framed under section 39 and for the time being in force, the Magistrate of the district may from time to time appoint persons to be the road-police of his district.

Duties of village and road-policemen.

34. Every village-policeman and every road-policeman shall perform the following duties:—

(*a*) He shall give immediate information to the officer in charge of the police-station appointed for his village or beat,

(1) of every unnatural, suspicious or sudden death occurring in the village of which he is chaukídár, or within his beat;

(2) of each of the following offences occurring in such village or on such beat (that is to say,) murder, culpable homicide, rape, dacoity, theft, robbery, mischief by fire, house-breaking, counterfeiting coin, causing grievous hurt, riot, harbouring a proclaimed offender, exposure of a child, concealment of birth, administering stupefying drugs, kidnapping, lurking house-trespass, and,

(3) of all attempts and preparations to commit, and abetments of, any of the said offences:

(*b*) He shall keep the Police informed of all disputes which are likely to lead to any riot or serious affray:

(*c*) He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in paragraph (*a*), clause (2), of this section:

(*d*) He shall observe, and from time to time report to the officer in charge of the police-station within the jurisdiction of which his village or beat may be situate, the movements of all bad characters in or on such village or beat:

(*e*) He shall report to the officer in charge of such police-station the arrival of suspicious characters in the neighbourhood:

(*f*) He shall supply to the best of his ability any local information which a Magistrate or any officer of Police may require, and shall promptly execute all orders issued to him by competent authority.

35. Whenever a village-policeman or road-policeman arrests any person, he shall take him as soon as possible to the police-station within the jurisdiction of which his village or beat is situate.

Procedure on arrest by village or road-policeman.

36. The Magistrate of the district may dismiss any village-policeman or road-policeman for any misconduct or neglect of duty.

Dismissal of village or road-policeman.

Where any village-policeman is guilty of neglect of duty or other misconduct, the person authorized to nominate to his office may report him for dismissal to the Magistrate of the district; and such Magistrate shall dismiss him accordingly, unless the Magistrate has reason to think that such dismissal would be improper.

37. Every village-policeman and road-policeman guilty of any wilful misconduct in his office, or of neglect of duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code,

Acts punishable.

or withdrawing from the duties of his office without permission and without having given at least two months' notice of his intention to withdraw from such duties to the persons authorized to nominate or appoint under sections 29, 32, and 33 (as the case may be),

or offering any unnecessary personal violence to any person in his custody,

shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment for a period not exceeding three months, or to both.

Penalty.

38. All fines levied under this Act on village-policemen or road-policemen shall be credited to such fund as the local Government from time to time appoints.

Fines to be credited to such fund as Government appoints.

CHAPTER V.

SUBSIDIARY RULES.

Power to make rules.

39. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules consistent with this Act as to—

(*a*) the discipline and remuneration of the village and road-police and the regulation of their number, location, and duties;

(*b*) the disposal of unclaimed property under Act No. V. of 1861 (*for the regulation of Police*), sections 25, 26, and 27;

(*c*) public health and conservancy at fairs and other large public assemblies, and the maintenance of a proper watch and ward at such fairs and assemblies;

(*d*) imposing with the previous sanction of the Governor General in Council taxes for those purposes only;

(*e*) the manner in which records, civil, criminal, and revenue, shall be kept; the appointment and removal of the persons entrusted with the custody of records, and all other matters connected with such custody, and the destruction from time to time of such records as it may be deemed unnecessary to keep;

(*f*) the appointment, duties, punishment, and dismissal of all ministerial officers other than those employed in the Civil Courts and those in respect of whom provision is made in the Oudh Revenue Act;

(*g*) the extent of land in respect of which a proprietor or under-proprietor is to be held, under section twenty-five, to be a tenant with a right of occupancy.

Publication of rules.

40. All rules made by the Chief Commissioner under section 39, and all rules made by the Judicial Commissioner under section 27, shall be published in the local official Gazette, and shall thereupon have the force of law.

Rules prescribed in respect of matters for which rules may be made under this Act, to remain in force for twelve months.

41. All rules heretofore prescribed by competent authority in respect of any of the matters for which rules may be made under this Act, shall remain in force for twelve months after this Act comes into force, unless any

rules on the same subject are previously issued by the Chief Commissioner or Judicial Commissioner.

Penalty for breach of rules.

42. Whoever breaks any rule made or continued under this Act, not being a rule made by the Judicial Commissioner, shall, on conviction before a Magistrate, be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to six months, or with both.

CHAPTER VI.

MISCELLANEOUS.

Honorary Civil Jurisdiction.

Power to invest taluqdárs with civil jurisdiction.

43. The Chief Commissioner may from time to time, by notification in the official Gazette,

(*a*) invest such persons as he thinks fit to be Honorary Assistant Commissioners with the powers of a Civil Court of the first or of the second grade;

(*b*) declare what shall be in each such case the local limits of the jurisdiction so conferred, and

(*c*) withdraw such jurisdiction.

Honorary Police Officers.

Honorary Police officers.

44. The Chief Commissioner may, from time to time, confer on any person whom he thinks fit any power which may be exercised by a Police officer under any Act for the time being in force, and withdraw any power so conferred.

Creation and Alteration of Districts and Sub-divisions.

Power to create new districts.

45. The Governor General in Council may, by notification in the *Gazette of India,* create new districts in any part of such territories, for any revenue, judicial or other purpose, and may alter the limits of existing districts.

The Chief Commissioner may, from time to time, divide any district into sub-divisions, and from time to time alter the limits of such sub-divisions.

Power to form subdivisions of districts.

All existing tahsíls shall be sub-divisions of districts until they are so altered.

THE FIRST SCHEDULE.

(See section 2.)

Number and year.	Title.	Extent of repeal.
	All Bengal Regulations now in force in Oudh, except those specified in the second schedule,	The whole.
	and, except when expressly provided otherwise in this Act, all rules, laws, and regulations made for or extended to the Province of Oudh, or any part thereof, which have acquired the force of law under the Indian Councils Act.	The whole.
	Government Notification No. 4325 of 6th August, 1861.	The whole.
XXI of 1857 ...	Gambling ...	Sections ten to fifteen.
XIX of 1863 ...	Partition ...	The whole.
XXXII of 1871 ...	The Oudh Civil Courts Act.	Section thirty-one.

THE SECOND SCHEDULE.

(*See section 3.*)

PART I.—BENGAL REGULATIONS.

Number and year.	Subject.	Modifications.
XXXIII of 1803...	Embezzlement by Native Officers.	In section I and in section II clause *First*, *before* "sezawuls," *insert* "tahsíldárs." In section II, *after* the first clause, *insert* "*Second.* The responsibility of the sureties of tahsíldárs extends to the several cases provided for in this Regulation." In section III, *for* "Dewanny Adawlut of the Zillah, the Judge of which Court shall detain him," *read* "District, where he shall be detained;" *for* "real or personal," *read* "moveable or immoveable;" *for* "city," *read* "jurisdiction;" *for* "Board of Revenue," *read* "Chief Commissioner;" and *omit* the words and figures "and the rules in Regulation XXVII, 1803, regarding suits so carried on by the Collectors are to be held applicable to it." In section IV, *omit* the words "or in either of the cities of Patna, Dacca or Moorshedabad." *Omit* section VIII.
X of 1804 ...	Punishment by Courts-martial of certain State-offences.	*Omit* section I. In section II, *for* "the British territories subject to the Government of the Presidency of Fort William," *read* "the territories under the administration of the Chief Commissioner of Oudh." In section III, *for* "real and personal," *read* "moveable or immoveable."
XI of 1806 ...	Assistance to troops and travellers passing through Districts.	*Omit* sections I, VII, IX to XX (both inclusive,) and so much of the rest of the Regulation as authorises Collectors and their Native

PART I.—BENGAL REGULATIONS.—(*Continued.*)

Number and year.	Subject.	Modifications.
XI of 1806—*contd.*	....	officers, or Magistrates and their police officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops or the progress of travellers. *For* "Collectors of Revenue" and "Collector," *read* "Deputy Commissioner" throughout the Regulation. In sections II and III, *for* "the Company's territories," *read* "Oudh." In sections II, *omit* the last sentence. In section IV, clause *Third*, *for* "Governor General in Council," *read* "Chief Commissioner." In section V, *omit* "the Company's;" and *for* "Board of Revenue," *read* "Chief Commissioner." In section VI, *for* "Magistrate," *read* "Deputy Commissioner," and *for* "on the part of the Collector," *read* "by the Deputy Commissioner." In section VIII, *for* "the Company's provinces," *read* "Oudh;" and *omit* the words and figures "(under the rules prescribed by Regulation V, 1804,)" and "in Regulation XXVII, 1803."
XVII of 1806 ...	Redemption and foreclosure of mortgages.	*Omit* sections I to VI (both inclusive). In section VII, *omit* from the beginning down to and including "hereby provided that;" *for* "within one year (Bengal, Fussily or Willaity, according to the era current where the mortgage may take place)," *read* "within one calendar year;" *for* "Zillah or City Court of Dewanny Adawlut," *read* "Deputy Commissioner;" *for* "Dew-

PART I.—BENGAL REGULATIONS.—(*Continued.*)

Number and year.	Subject.	Modifications.
XVII of 1806.—*contd.*	....	anny Adawlut of the Zillah or City," *read* "Court of the Deputy Commissioner or other officer having jurisdiction with reference to the value of the subject-matter;" and in the last sentence from "as allowed for the security" to the end of the section. In section VIII, *for* "preamble and preceding sections," *read* "preceding section;" *for* "Judge of the Zillah or City," *read* "Deputy Commissioner of the District," and *for* "Judge," *read* "Deputy Commissioner."
XX of 1810 ...	Military Bázárs.	
V of 1817 ...	Hidden Treasure. ...	In section I, *omit* "to be in force as soon as promulgated throughout the provinces immediately subordinate to the Presidency of Fort William." In section V, *for* "Collectors of Land-revenue," *read* "Deputy Commissioners;" *for* "Board of Revenue," *read* "Chief Commissioner;" *for* "Judge," *read* "Deputy Commissioner." In section VI, *for* "Zillah or City Judge," *read* "Deputy Commissioner." In section VII, *omit* "sicca." In section VIII, *for* "Judge of the Zillah or City Court," *read* "Deputy Commissioner," and *omit* the words "on the application of the vakeel of Government under instructions from the Board of Revenue." For section IX, substitute the following: "IX. The decisions of Deputy Commissioners under this Regulation shall be open to appeal under Act No. XXXII of 1871."

PART I.—BENGAL REGULATIONS.—*(Continued.)*

Number and year.	Subject.	Modifications.
III of 1818 ...	State Prisoners ...	In section I, *omit* "situated within the territories dependent on the Presidency of Fort William," and from "which are to take effect" to the end of the section. In section II, clause *Third*, *omit* "within the territories subject to the Presidency of Fort William." In section IV, *omit* clause *First*. In the same section, clause *Second*, *for* "Zillah or City Magistrate," *read* "Deputy Commissioner," and *for* "Judge of Circuit," *read* "Commissioner of Division." In section IX, *for* "to the Provincial Court of Appeal and Circuit and to the Sudder Dewanny Adawlut and Nizamut Adawlut," *read* "and to the Judicial Commissioner." *Omit* section X.
VI of 1819 ...	Ferries ...	*Omit* sections I and II. *Omit* "or Joint Magistrates," "and Joint Magistrates," and "or Joint Magistrate," wherever they occur. In section III, clause *Second*, *omit* "by the Collectors." In the same section, clause *Third*, *after* "prepared," *insert* "through the Commissioners of Divisions," and *for* "Government," *read* "Chief Commissioner," and *add* "who shall fix the rates of toll to be levied at such ferries." In section IV, clause *First*, *omit* "for limiting the rates of toll to be levied at each ferry." In section V, *omit* "and in that of the Collector of the District." In section VI, clause *Second*, *after* "reported," *insert*

PART I.—BENGAL REGULATIONS.—*(Continued.)*

Number and year.	Subject.	Modifications.
VI of 1819.—*contd.*	....	"through the Commissioners of Divisions," and *for* "Government," *read* "the Chief Commissioner." In section VII, clause *First*, *omit* "they shall fix the rates of toll on a very moderate scale in no case exceeding, without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX, 1816." In the same section, clause *Third*, *for* "Bengal or Fussily year according to the era current in the province," *read* "term of his lease." In the same section, clause *Fourth*, *for* "Magistrate or Collector," *read* "Deputy Commissioner," and *omit* "European." In section X, *for* the words "public money" to the end of the section, *substitute* "arrears of revenue." In section XI, *for* "Magistrates reserve to themselves," *read* "the Chief Commissioner reserves to himself." In section XII, clause *First*, line one, *for* "a Magistrate," *read* "the Chief Commissioner," and in line four, *omit* "said." In section XIII, *omit* the *Second* clause.
XI of 1822 ...	Non-liability of Government for errors of a Court of Justice.	*Omit* the whole except section thirty-eight.
VI of 1825 ...	Supply of troops on the march.	In the preamble, *omit* the last twenty words. In section II, *omit* "in pursuance of section III, Regulation XI, 1806," and *omit* "sicca." In section IV, *for* "Board of Revenue in whose jurisdiction

PART I.—BENGAL REGULATIONS.—*(Continued.)*

Number and year.	Subject.	Modifications.
VI of 1825.—*contd.*	....	the district may be situate" and "Board," *read* "Commissioner." In section V, *omit* "on the stamped paper prescribed for other appeals to the Revenue Boards," and *for* "the proper Board," and "the Board," *read* "the Commissioner."
XI of 1825 ...	Alluvion and Diluvion.	*Omit* section I. In section III, *omit* "either" and "or the sea." In section IV, clause *First*, *omit* "whether" and "or of the sea," and *for* "the provisions of Regulation II, 1819, or of any other Regulation in force," *read* "any law in force for the time being;" clause *Third*, *omit* "or in the sea" and "or sea;" clause *Fifth*, *omit* "or the sea." In section V, *for* "Zillah and City Magistrates," *read* "Deputy Commissioners."
XX of 1825 ..	Military Courts of Requests ...	*Omit* sections I, III, and IV, and section II, clause *Sixth*. In section II, clause *First*, *omit* from the beginning down to and including "provided, that;" and *for* "His Majesty or of the Hon'ble East India Company," *read* "Her Majesty;" and *for* "not within the territories subject to the Presidency of Fort William, or at any place within such territories which may be situated above one hundred and twenty miles from the aforesaid Presidency," *read* "within Oudh;" and *for* "a person attached to such body of troops in any of the capacities specified in sections XLV and LX of Statute IVth Geo. IV, cap.

PART I.—BENGAL REGULATIONS.—*(Concluded.)*

Number and year.	Subject.	Modifications.
XX of 1825.—*contd.*	....	LXXXI," *read* "otherwise subject to the provisions of the Act for punishing Mutiny and Desertion and for the better payment of the Army and their quarters for the time being in force;" and *omit* "as directed in such cases in the Regulations abovementioned;" and *for* "Act of Parliament," *read* Mutiny Act for the time being in force." In the same section, clause *Third*, *for* "Act of Parliament," *read* "Mutiny Act;" and *for* "Magistrate of the Zillah or City," *read* "Deputy Commissioner." In the same section, clause *Fourth*, *for* "Zillah and City Magistrates," *read* "Deputy Commissioners;" and *omit* "of the nature described in section II of Statute IV, Geo. IV, cap. LXXXI," and "under the provisions of the said Act," and "under the provisions of the Regulations hitherto in force."

PART II.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Modifications.
XIX of 1853 ...	Section 26, Recusant witnesses ..	*Omit* "in addition to any proceedings under this Act."
XX of 1856 ...	Chaukídár ...	In the preamble, *after* "Bengal," *add* "and the territories under the administration of the Chief Commissioner of Oudh." *Omit* the words "of circuit" wherever they occur after "Commissioner." *Omit* section XL.

PART II.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—(*Concld.*)

Number and year.	Subject.	Modifications.
XIII of 1857 ...	Opium ...	In the title, *after* "the Presidency of Fort William in Bengal, *read* "and the territories under the administration of the Chief Commissioner of Oudh." In section two, *after* "Presidency of Fort William in Bengal, *read* "and the administration of the Chief Commissioner of Oudh." In section three, *omit* "being covenanted servants of the Company."
XL of 1858 ...	Minors ...	In the title, *for* "the Presidency of Fort William in Bengal, *read* "Oudh." In section two, *for* "estates paying revenue to Government, *read* "mahâls assessed to revenue or held revenue-free."
XXII of 1871 ..	Chaukídárs ...	In section one, *after* "Presidency," *insert* "or territories." In section three, *omit* the words "of circuit." *Omit* section six.

ACT No. XIX.

THE DRAMATIC PERFORMANCES ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 16th December, 1876.*)

An Act for the better control of public dramatic performances.

Preamble.

WHEREAS it is expedient to empower the Government to prohibit public dramatic performances which are scandalous, defamatory, seditious or obscene; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Dramatic Performances Act, 1876:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

"Magistrate" defined.

2. In this Act "Magistrate" means, in the Presidency Towns a Magistrate of Police, and elsewhere the Magistrate of the District.

Power to prohibit certain dramatic performances.

3. Whenever the Local Government is of opinion that any play, pantomime, or other drama performed or about to be performed in a public place is—

(*a*) of a scandalous or defamatory nature, or

(*b*) likely to excite feelings of disaffection to the Government established by law in British India, or

(*c*) likely to deprave and corrupt persons present at the performance,

the Local Government, or outside the Presidency Towns and Rangoon the Local Government or such Magistrate as it may empower in this behalf, may by order prohibit the performance.

Explanation.—Any building or enclosure to which the public are admitted to witness a performance on payment of money, shall be deemed a "public place" within the meaning of this section.

Power to serve order of prohibition.

Penalty for disobeying order.

4. A copy of any such order may be served on any person about to take part in the performance so prohibited, or on the owner or occupier of any house, room or place in which such performance is intended to take place; and any person on whom such copy is served, and who does, or willingly permits, any act in disobedience to such order, shall be punished on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

Power to notify order.

5. Any such order may be notified by proclamation, and a written or printed notice thereof may be stuck up at any place or places adapted for giving information of the order to the persons intending to take part in or to witness the performance so prohibited.

Penalty for disobeying prohibition.

6. Whoever, after the notification of any such order—

(*a*) takes part in the performance prohibited thereby, or in any performance substantially the same as the performance so prohibited, or

(*b*) in any manner assists in conducting any such performance, or

(*c*) is in wilful disobedience to such order present as a spectator during the whole or any part of any such performance, or

(*d*) being the owner or occupier, or having the use of, any house, room or place, opens, keeps or uses the same for any such performance, or permits the same to be opened, kept or used for any such performance,

shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

Power to call for information.

7. For the purpose of ascertaining the character of any intended public dramatic performance the Local Government or such officer as it may specially empower in this behalf, may apply to the author, proprietor or printer of the drama about to be performed, or to the owner or occupier of the place in which it is intended to be performed, for such information as the Local Government or such officer thinks necessary.

Every person so applied to shall be bound to furnish the same to the best of his ability, and whoever contravenes this section shall be deemed to have committed an offence under section 176 of the Indian Penal Code.

Power to grant warrant to Police to enter and arrest and seize.

8. If any Magistrate has reason to believe that any house, room or place is used, or is about to be used, for any performance prohibited under this Act, he may, by his warrant, authorize any officer of police to enter with such assistance as may be requisite, by night or by day, and by force if necessary, any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses,

and other articles found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.

Saving of prosecutions under Penal Code, sections 124 A and 294.

9. No conviction under this Act shall bar a prosecution under section 124A or section 294 of the Indian Penal Code.

Power to prohibit dramatic performances in any local area, except under license.

10. Whenever it appears to the Local Government that the provisions of this section are required in any local area, it may, with the sanction of the Governor General in Council, declare, by notification in the local official Gazette, that such provisions are applied to such area from a day to be fixed in the notification.

On and after that day, the Local Government may order that no dramatic performance shall take place in any place of public entertainment within such area, except under a license to be granted by such Local Government, or such officer as it may specially empower in this behalf.

The Local Government may also order that no dramatic performance shall take place in any place of public entertainment within such area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than three days before the performance, to the Local Government, or to such officer as it may appoint in this behalf.

A copy of any order under this section may be served on any keeper of a place of public entertainment, and if thereafter he does, or willingly permits, any act in disobedience to such order, he shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

Powers exercisable by Governor General.

11. The powers conferred by this Act on the Local Government may be exercised also by the Governor General in Council.

Exclusion of performances at religious festivals.

12. Nothing in this Act applies to any *jatras* or performances of a like kind at religious festivals.

ACT No. XX.

THE BHAUNAGAR ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th of December, 1876.)

An Act to give better effect to certain agreements with the Thákúr of Bhaunagar.

Preamble.

WHEREAS the villages mentioned in the Schedule hereto annexed (hereinafter called the Scheduled villages) are the property of the Thákúr of Bhaunagar, and were by the Treaty of Bassein dated the thirty-first day of December, 1802, separated from the Native State or States known as the territory of Káthiáwár and ceded to the British Government:

And whereas, by Regulation VI of 1816 of the Governor of Bombay in Council, the regulations in force throughout the Presidency of Bombay were extended to the said villages, and such villages thereby became subject to the jurisdiction of the Revenue, Civil, and Criminal Courts established in that Presidency:

And whereas the said Thákúr of Bhaunagar is also the proprietor of divers villages, forming part of the said territory, and hereinafter called the Káthiáwár villages:

And whereas the British Government have exercised certain powers of government over the said territory, but such territory has never been treated as being British territory, nor as having been vested in the East India Company, nor in Her Majesty the Queen of Great Britain and Ireland and Empress of India, and the said Káthiáwár villages have consequently never been subject to the laws in force in the Presidency of Bombay:

And whereas in the year 1820 the British Government established a Political Agency for the said territory of Káthiáwár:

And whereas in the year 1857 the said Thákúr was, by an order of the British Government, invested in respect of the same villages with certain powers of sovereignty limited by and subject to the rules laid down for the government and conduct of the said Káthiáwár Political Agency:

And whereas for divers reasons of State affecting the welfare of British India, the British Government became desirous of ceding to the Thákúr of Bhaunagar the Scheduled villages, to be held by him on the same conditions as those on which he holds the Káthiáwár villages, and for that purpose certain agreements were made and certain notifications published which were intended to operate as a cession of the Scheduled villages:

And whereas on the twenty-ninth day of January, 1866, the Governor of Bombay in Council published a notification declaring that, in accordance with the agreement last hereinbefore recited, the Scheduled villages were, from and after the first day of February, 1866, removed from the jurisdiction of the Revenue, Civil, and Criminal Courts of the Bombay Presidency and transferred to the supervision of the said Political Agency in Káthiáwár on the same conditions as to jurisdiction as the said Káthiáwár villages:

And whereas the intention of the said agreements and notifications was that the villages comprised therein should be ceded to and vested in the Thákúr of Bhaunagar, to be held by him on the terms on which he holds the Káthiáwár villages:

And whereas ever since the first day of February, 1866, the Scheduled villages have been governed according to the intention of the said agreements, and acts of executive authority have been done, proceedings taken, and decrees and sentences passed by the Thákúr of Bhaunagar and his officers, and by the officers of the said Political Agency, and by the Courts of Justice appointed to exercise jurisdiction within the limits of the said Political Agency:

And whereas it now appears that such agreements and notifications were not worded so as to express their true intention, and that the Scheduled villages did not thereby cease to be British territory, or to be subject to the laws in force in the Presidency of Bombay:

And whereas by a notification dated the fifth day of December, 1875, after reciting to the effect above recited, and reciting that the Secretary of State for India had, on behalf of Her Majesty the Queen of Great Britain and Empress of India, given his sanction to the cession intended to be thereby effected, the Governor General in Council, with the sanction aforesaid, did thereby cede and grant to the said Thákúr of Bhaunagar, his heirs and successors, the said Scheduled villages, to hold the same unto the said Thákúr, his heirs and successors, on the terms and subject to the rules on and subject to which he holds the said Káthiáwár villages: but it was thereby provided that, in case the said Thákúr, his heirs or successors should commit any acts of misgovernment which, in the opinion of the Governor General in Council, rendered it inexpedient that the said Thákúr, his heirs and successors should continue to hold the said Scheduled villages, the Governor General in Council might resume the villages thereby ceded and re-annex the same to Her Majesty's dominions:

And whereas it is expedient (so far as relates to any past or future proceedings in British India) to ratify the aforesaid acts, proceedings, and sentences of the Thákúr of Bhaunagar and the officers and Courts aforesaid, and to indemnify the said Thákúr and officers against any liability in respect thereof, and to provide that no title to property shall be disturbed by any act, proceeding or sentence of any other authority; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Bhaunagar Act, 1876:"

Local extent.

It extends only to British India;

Commencement.

And it shall come into force at once.

Scheduled villages excluded from jurisdiction of Bombay Courts.

2. The said Scheduled villages shall be deemed to have been, on and after the said first day of February, 1866, excluded from the jurisdiction of the Revenue, Civil, and Criminal Courts of the Bombay Presidency.

Validation of acts done after 1st February, 1866.

3. All acts of executive authority, proceedings, decrees, and sentences which have been done, taken or passed subsequently to the first day

of February, 1866, and which would have been valid if the Scheduled villages had been ceded according to the intention of the said agreements and notification, shall be as valid and operative in British India as if such cession had actually been effected; and no suit or other proceedings shall be maintained or continued against any person whatever on the ground that the Scheduled villages did not cease to be British territory on the first day of February, 1866.

Bar of suits.

4. Nothing in this Act shall affect any jurisdiction which any Court of Justice in British India may for the time being be entitled to exercise over persons resident or being beyond the limits of British India.

Saving of personal jurisdiction of Courts of British India.

SCHEDULE.

Bhaunagar Taluqa.

Bhaunagar.	Málanka.	Háthab.
Wádwá.	Bhutesar.	Khadsuliu.
Ruhá.	Bhumlí.	Bhadbadiu.
Akwárá.	Ratanpur Juná.	Alápur.
Adhiwárá	Ratanpur Nuwá.	Thalsar.
Tarsamía.	Koliak.	Lákhanka.
Jaspará.	Kobri.	Sultánpur.
Phulsar.	Bhurí.	Wávri.
Karmadiu.	Bhundariu.	Rámpura.
Surká.	Churi.	Bhenswari } *waste*.
Tarak Pálrí.	Sánkrásar.	Jhánjrá }
Nárí.	Bhádolc.	
Budhel.	Nágdhaníba.	

Sihór Taluqa.

Sihór	Ratanpur *near* Táná.	Rájpura.
Usrad.	Wadiu.	Khakhriu.
Agiáli.	Waláwad.	Kardej.
Táná.	Megwadar.	Surká.
Bordi.	Ghángli.	Jámbálu.
Kájáwadar.	Nesra.	Kuchotiu (*waste*)
	Chirora (*waste*).	

New Villages.

Gundi.	Trápaj.	Píthalpur.
Mándwá.	Bapárá.	Khántarí.
Sosiá.	Pánchpíplá.	Deogána.
Paniálí.	Rájpura.	Thordí.
	Khadarpur Mitiverdi.	

Inám Villages.

Wartej.	Sámpura.	Sodwadra.
Sidhsar.	Phariádku.	Sedhawadar.
	Kálví (*waste*).	

DHANDUKA PARGANA.

Pátna Taluqa.

Pátna.	Kánutalao.	Dantretía.
Bharbír.	Ratanwau.	Samandiála.
Chakámpur.	Keriá.	Kariání.
Sarwui.	Jamrála.	Láthídhar.
Jhinjhawadar.	Ujalwau.	Weláwadar.
Pátí.	Jotingra.	Vírdhi *or* Rájghar.
Keria *near* Pátí.	Shírthali.	Sajelí.
Bhámbhan.	Dhíkwáli.	Oteriá.
Samandeála, 2.	Wajelí.	Sándherá.
Tájpur.	Lundrá.	Nágalpur.
	Málpur.	

RANPUR PARGANA.

Botád Taluqa.

Botád.	Dánkniá.	Kániád.
Hardar.	Khankóí.	Rájpura.
Sírwániu.	Turkhá.	Juriá.

ACT No. XXI.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17th of December, 1876.*)*

An Act to amend the Land Improvement Act, 1871.

Preamble.

WHEREAS doubts have arisen as to the effect of certain provisions of the Land Improvement Act 1871, and it is expedient, with a view

to removing such doubts, to amend the said Act; It is hereby enacted as follows:—

Local extent.

1. This Act extends to the whole of British India:

Construction.

Commencement.

It shall be read with, and taken as part of, the said Land Improvement Act, 1871; and it shall be deemed to have come into force on the twenty-eighth day of September, 1871, being the day on which the said Act came into force.

Definition of "improvement" explained.

2. The definition of "improvement" in section one of the said Act includes works for the storage, supply or distribution of water for the use of men and cattle employed in agriculture.

Amendment of Act XXVI of 1871, section 14.

3. To section fourteen of the said Act the following clause shall be added (namely)—

"(*e.*) if such security consists of a charge upon land—the position, extent, and boundaries of such land."

Amendment of Act XXVI of 1871, section 15.

4. Section fifteen of the said Act is repealed, and instead thereof the following section shall be substituted:—

"15. All sums advanced under this Act shall, when they become due, be recoverable in all or any of the following ways:—

(*a*) from the borrower—as if they were arrears of land-revenue due from him:

(*b*) from the surety (if any)—as if they were arrears of land-revenue due from him:

(*c*) out of the land to be improved—as if they were arrears of land-revenue due on account of such land:

(*d*) out of the property comprised in the collateral security (if any)—according to the terms of such security:

"Provided—

(*e*) that if the borrower is the landlord, any proprietary or cultivating interest which a tenant may have in the land to be improved shall not, unless the tenant has given such interest as collateral security for the advance, be liable to sale for the recovery of such advance:

(f) that if the borrower is such a tenant as is mentioned in section seven, the landlord's interest in the land to be improved shall not be liable to sale for the recovery of the advance:

(g) and if the advance is recovered from the surety or out of his property, to the exoneration of the borrower or of the land to be improved, the surety shall have the same rights against the borrower and the land to be improved, as the Government had when the advance was due, and may enforce such rights by ordinary process of law."

Power to authorize Collector to delegate certain powers.

5. The local Government may authorize the Collector (as defined in the said Act) to delegate to any officer subordinate to him such of his powers under the said Act as the Local Government may from time to time prescribe.

ACT No. XXII.

THE INDIAN MUSEUM ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17*th of December,* 1876.*)*

An Act to provide for the management of the Public Museum at Calcutta.

Preamble.

WHEREAS, by Act No. XVII of 1866, reciting that it was expedient to provide for the establishment of a Public Museum at Calcutta, to be called the Indian Museum, it was enacted that the Governor General in Council should cause to be erected at the expense of the Government of India a suitable building in Calcutta, to be devoted in part to collections illustrative of Indian Archæology and of the several branches of Natural History, in part to the preservation and exhibition of other objects of interest, whether historical, physical or economical, in part to the records and offices of the Geological Survey of India, and in part to the fit accommodation of the Asiatic Society of Bengal and to the reception of their library, manuscripts, maps, coins, busts, pictures,

engravings and other property; and it was also enacted that the Government of India should keep the said building in repair and pay and defray the salaries, allowances and pensions of the officers and servants, and all other expenses connected with the said Museum; and by the Act now in recital certain officials and other persons therein mentioned or referred to, to the number of thirteen, and their successors, were constituted a Body Corporate by the name of the Trustees of the Indian Museum, and the said Trustees were empowered to receive bequests, donations, and subscriptions, and to deal with the same in the manner therein mentioned for the purposes of their trusts therein mentioned; and it was also enacted that the said Trustees should have the exclusive possession, occupation, and control, for the purposes of such trusts, of the said building, other than those portions thereof which, upon its completion, should be set apart by the said Trustees for the records and offices of the said Geological Survey and for the accommodation of the said Asiatic Society and the reception of their library, manuscripts, maps, coins, busts, pictures, engravings, and other property; and it was also enacted that all officers and servants, salaried or otherwise, employed in the care or management of the trust-property, should be appointed, and might be removed or suspended, by the said Trustees, subject to such regulations and conditions as the said Trustees should think proper; and it was also enacted that the Council of the said Asiatic Society should cause the collections belonging to such Society, and illustrative of Indian Archæology and the several branches of Natural History, and all additions that might be made thereto, to be removed to and deposited in the said building at the expense of the Government of India as soon as the same should be completed so far as to be in a condition to receive the said collections, and that an inventory of the articles in such collections should be made by the said Society, one copy whereof was to be signed by the said Trustees and kept by the said Society, and another copy was to be signed by the said Society and kept by the said Trustees, and that the said Society should continue to have the same exclusive property in and control over their said library, manuscripts, maps, coins, busts, pictures, and engravings which they then

possessed, and that the Council of the said Society should have the exclusive possession, occupation, and control, for the purposes of the said Society, of those portions of the said building which should be set apart for the accommodation of the said Society and the reception of their library and other property thereinbefore mentioned;

And whereas the Government of India has caused the said building to be erected, and the Council of the said Society has caused the said collections belonging to the same Society to be removed to and deposited in the said building at the expense of the Government of India; and an inventory of the articles in such collections has been made by the said Society, one copy whereof has been signed by the said Trustees and delivered to the said Society, and another copy has been signed by the Council of the said Society and delivered to the said Trustees;

And whereas the said Trustees have, in pursuance of the said Act, set apart certain portions of the said building for the said records and offices of the Geological Survey of India;

And whereas, in consideration of a sum of one hundred and fifty thousand rupees paid to them by the Government of India, the Council of the said Society has relinquished the exclusive possession, occupation, and control secured to them by the said Act, of the portions of the said building which, under the said Act, were to be set apart for the accommodation of the said Society and the reception of their said Library and other property;

And whereas it is expedient to alter the constitution of the said Body Corporate and to amend the law relating to the appointment and salaries of the said officers:

And whereas under the circumstances aforesaid it is expedient to repeal the said Act, and to re-enact it with the modifications hereinafter appearing; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Indian Museum Act, 1876."

Repeal of Act No. XVII of 1866.

2. Act No. XVII of 1866 (*to provide for the establishment of a Public Museum at Calcutta*) shall be repealed. But all persons nominated

under the said Act as Trustees of the Indian Museum, and all officers and servants appointed under the same Act and now holding office, shall be deemed to have been respectively nominated and appointed under this Act.

Incorporation of the Trustees.

Trustees of the Indian Museum incorporated.

3. The Trustees of the said Indian Museum shall be—

such Secretary to the Government of India as the Governor General in Council from time to time directs in this behalf,

the Accountant General,

five other persons to be nominated by the Governor General of India in Council,

the President of the Asiatic Society of Bengal and four other Members of the Council of the said Society for the time being, to be nominated by the Council of the said Society,

the Superintendent of the Geological Survey of India, and

three other persons to be elected by the Trustees for the time being and appointed under their common seal;

and such Trustees and their successors shall, subject to the provisions hereinafter contained, be and are hereby constituted a Body Corporate by the name of the "Trustees of the Indian Museum," and shall have a common seal, and by such name shall have perpetual succession; and all the powers of the said Corporation may be exercised so long and so often as there shall exist seven Members thereof.

Ex officio members.

4. The persons for the time being holding the offices respectively mentioned in section three shall be *ex officio* members of the said Body Corporate, and shall cease to be such members respectively upon ceasing to hold the said offices respectively:

Provided that, whenever the said Secretary to the Government of India, Accountant General, or Superintendent of the Geological Survey of India is also the President of the said Society, the Council of the said Society may nominate any other person, being a Member of the said Society, to be a Trustee under this Act so long as such presidency is held by the said Secretary, Accountant General, or Superintendent.

Power to appoint new Trustees.

5. If any of the said Trustees for the time being dies or is absent from India for more than twelve consecutive months, or desires to be discharged, or refuses or becomes incapable to act, or not having been an *ex officio* Member of the said Body Corporate becomes such, or if any of the Trustees to be nominated by the Council of the said Society ceases to be a Member of such Council, then and in every such case the authority which appoints the Trustee so dying, being absent from India, desiring to be discharged, refusing or becoming incapable to act, or becoming an *ex officio* Member as aforesaid, or ceasing to be such Member of Council as aforesaid, may appoint a new Trustee in his place according to the provisions of section three,

and every Trustee so appointed shall thereupon become and be a Member of the said Body Corporate as fully and effectually as if he had been hereby constituted a Trustee.

Powers of the Trustees.

Trustees empowered to receive bequests, donations, and subscriptions.

6. It shall be lawful for the said Trustees (*a*) to receive bequests, donations, and subscriptions of land, buildings, money, and any such objects of interest as aforesaid, and (*b*) to hold the same and to lay out such money for the maintenance, improvement, and enlargement of the collections deposited in, presented to or purchased for, the said Indian Museum, and otherwise for the purposes of the same Museum;

and all such collections shall become the property of the said Trustees for the purposes of their trusts herein mentioned;

and the said Trustees shall have the exclusive possession, occupation, and control, for the purposes of such trusts, of the whole of the said building, other than those portions thereof which have been set apart by the said Trustees for the records and offices of the Geological Survey of India.

Power to Trustees to make bye-laws.

7. The said Trustees may from time to time make bye-laws consistent with this Act—

(*a*) for the management of the said Museum;

(b) for the summoning, holding, and adjournment of general and special meetings of the said Trustees;

(c) for securing their attendance at such meetings;

(d) for the provision and keeping of minute-books and account-books;

(e) for the compiling of catalogues, and

(f) for all other purposes necessary for the execution of their trusts.

Power to Trustees to appoint officers and servants.

8. Subject to such regulations and conditions as the Trustees think fit, they shall appoint, and may remove or suspend, all officers and servants, salaried or otherwise, employed in the care or management of the trust-property: provided—

(a) that no officer be appointed without the approval of the Governer General in Council if such officer be, at the date of his appointment, in India, or without the approval of the Secretary of State for India in Council if such officer be not then in India;

(b) that no new office be created, and no salaries of officers be altered, without the previous sanction of the Governor General in Council.

Trustees may exchange or sell duplicates.

9. The said Trustees may from time to time order any duplicates of printed books, medals, coins, specimens of Natural History or other curiosities deposited in the Indian Museum to be exchanged for manuscripts, books or other objects of Interest, or direct any such duplicates to be sold and the money to arise from such sale to be laid out in the purchase of manuscripts, books, maps, medals, coins, specimens of Natural History or other curiosities that may be proper for the said Museum.

Quorum.

10. At all meetings of the said Trustees three shall be a quorum for the transaction of business. and for the exercise of any of the powers conferred upon them by this Act.

Duties of the Trustees.

Trustees shall furnish annual reports and accounts.

11. The said Trustees shall furnish to the Government of India, on or before the first day of December in each year, a report of their several proceedings for the past twelve

months, and further shall furnish, on or before the same day in each year, to such Auditor as the Governor General in Council appoints in this behalf, accounts of all moneys expended by the Trustees during the past twelve months, supported by the necessary vouchers.

The said Trustees shall cause such report and accounts to be annually published for general information.

Collections of Asiatic Society to be kept distinguished in the Museum.

12. The said Trustees shall cause every article in the said collections belonging to the Asiatic Society, and all additions that may hereafter be made thereto otherwise than by purchase under section six, to be marked and numbered, and (subject to the provisions contained in sections nine and fifteen) to be kept and preserved in the said Indian Museum with such marks and numbers; and an inventory of such additions shall be made by the said Society, one copy whereof shall be signed by the said trustees and delivered to the said Society, and another copy shall be signed by the Council of the said Society and delivered to the said Trustees, and shall be kept by them along with the inventory already delivered to the said Trustees as aforesaid.

Articles received in exchange and moneys paid on sale to be held on trust.

13. All objects taken in exchange under section nine for, and all moneys payable on sale under the same section of, any of such articles, shall be held on trusts and subject to powers and declarations, corresponding as nearly as may be with the trusts, powers, and declarations by this Act limited and declared concerning the same articles.

Miscellaneous.

Officers under Act to be public servants. Their salaries, pensions, and leave.

14. All officers and servants appointed under this Act shall be considered public servants within the meaning of the Indian Penal Code; and so far as regards their salaries, allowances, and pensions and their leave of absence from duty, they shall be subject to the rules for the time being applicable to uncovenanted civil servants of the Government of India.

15. In the event of the trust hereby constituted being determined, all collections then in the said Indian Museum, other than those next hereinafter mentioned, shall become the property of the Government of India, and the collections and additions mentioned in section twelve shall become the property of the said Society or their assigns.

In case of determination of trust, Asiatic Society may reclaim their collections.

ACT No. XXIII.

THE OPIUM ACT.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th of December, 1876.)

An Act to amend the law relating to Opium.

WHEREAS it is expedient to amend the law relating to opium; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Opium Act, 1876:"

Short title.

It extends to the whole of British India;

Local extent.

And it shall come into force on the first day of April, 1877.

Commencement.

2. The enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column of the said schedule.

Repeal of enactments.

And in Acts No. XI of 1849, No. XXI of 1856, and No. X of 1871, the words "intoxicating drugs (wherever they occur) shall not include opium.

Amendment of Acts.

The reference made to Bombay Regulations XXI of 1827 and XX of 1830 in Act No. VII of 1836 shall be read as if made to the corresponding sections of this Act.

Amendment of Act VII of 1836, s. 1.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Opium."

"Opium" includes also poppy-heads, preparations or admixtures of opium, and intoxicating drugs prepared from the poppy.

"Magistrate."

"Magistrate" means, in the Presidency towns, a Magistrate of Police or a Presidency Magistrate, and elsewhere a Magistrate of the first class, or (when specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Import of opium.

4. No opium shall be imported by land or by sea into any part of British India unless—

(*a*) it is covered by a pass granted by an officer appointed in this behalf by the Governor General in Council or a Local Government; or

(*b*) it has been imported by sea on payment of the duty prescribed by the Indian Tariff Act, 1875, or any other law for the time being in force relating to the duties of customs on goods imported by sea into British India; or

(*c*) such import is permitted under the power next hereinafter conferred.

The Governor General in Council may from time to time, by notification in the *Gazette of India*,

(*d*) permit the import of opium, or of any kind of opium, by land, into any specified part of British India on payment of such duty, or on such other terms, as the Governor General in Council thinks fit; and

(*e*) cancel such permission.

Export of opium.

5. No opium shall be exported by land or by sea from any part of British India unless—

(*a*) it is covered by a pass granted by an officer appointed in this behalf by the Governor General in Council or the Local Government; or

(*b*) it has been imported by sea into any British Indian port, and the Local Government has permitted it to be exported on

payment of a duty equal in amount to the fee to which it would have been liable under any law for the time being in force, if it had been transhipped at such port; or

(*c*) such export is permitted under the power next hereinafter conferred:-

The Governor General in Council may from time to time, by notification in the *Gazette of India*,

(*d*) permit the export of opium, by land or by sea, from any specified part of British India on payment of such duty, or on such other terms, as the Governor General in Council thinks fit; and

(*e*) cancel such permission.

Customs-laws applied to opium.

6. Subject to the other provisions of this Act, the laws for the time being in force relating to goods imported or exported by sea shall, so far as may be, apply to opium so imported or exported by sea, and the laws for the time being in force relating to goods imported or exported by land shall, so far as may be, apply to opium imported or exported by land.

Warehousing-opium.

7. The Governor General in Council may, by order notified in the *Gazette of India*,

(*a*) authorize any Local Government to establish warehouses for opium legally imported into, or intended to be exported from, the territories subject to such Local Government, and

(*b*) cancel any such order.

So long as such order remains in force, the Local Government may, by notification published in the official Gazette,

(*c*) declare any place to be a warehouse for all or any opium legally imported, whether before or after the payment of any duty leviable thereon, into the territories subject to such Government, or into any specified part thereof, or intended to be exported thence, and

(*d*) cancel any such declaration.

An order under clause (*b*) shall cancel all previous declarations under clause (*c*) of this section relating to places in the territories to which such order referred.

So long as such declaration remains in force, the owner of all such opium shall be bound to deposit it in such warehouse.

Power to make rules as to poppy-cultivation, opium, &c.

8. The Local Government may from time to time make rules consistent with this Act, or with any other enactment relating to opium for the time being in force, to prohibit or permit, within the whole or any specified part of the territories subject to such Government, all or any of the following matters:—

(*a*) the cultivation of the poppy;

(*b*) the manufacture of opium;

(*c*) the possession of opium;

(*d*) the transport of opium from one place to another within British India.

(*e*) the importation or exportation of opium into or out of British India;

(*f*) the sale of opium;

and to regulate, within the whole or any specified part of such territories, all or any of the matters aforesaid, and also

(*g*) the safe custody of opium warehoused under section seven; the levy of fees for such warehousing; the removal of such opium for sale or exportation; and the manner in which it shall be disposed of, if any duty leviable on it be not paid within twelve months from the date of warehousing the same;

(*h*) the disposal of all things confiscated under this Act;

(*i*) the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act.

Such rules shall be submitted for the sanction of the Governor General in Council, and on receiving such sanction shall be published in the local official Gazette, and shall thereupon have the force of law.

Prohibition of poppy-cultivation and possession, &c., of opium.

9. Unless in accordance with this Act, or with any other enactment relating to opium for the time being in force, or with rules framed under this Act, no one shall—

(*a*) cultivate the poppy;

(*b*) manufacture opium;

(*c*) possess opium;

(*d*) transport opium from one place to another within British India;

(*e*) import or export opium into or out of British India; or

(*f*) sell opium.

Penalty for illegal cultivation of poppy, &c.

10. Whoever in contravention of this Act or of rules made and published under section eight,

(*a*) cultivates the poppy, or

(*b*) manufactures opium, or

(*c*) possesses opium, or

(*d*) omits to warehouse opium when bound to do so under section seven, or

(*e*) transports opium from one place to another within British India, or

(*f*) imports or exports opium into or out of British India, or

(*g*) sells opium, or otherwise contravenes the said rules relating to sales,

shall, on conviction before a Magistrate, be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both;

and, where a fine is imposed, the convicting Magistrate shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced.

Presumption as to opium.

11. In prosecutions under section ten, it shall be presumed, until the contrary is proved, that all opium for which the accused person is unable to account satisfactorily is opium in respect of which he has committed an offence under this Act.

Confiscation of opium.

12. In any case in which an offence under section ten has been committed—

(*a*) the poppy so cultivated;

(*b*) the opium in respect of which any offence under the same section has been committed;

(*c*) where, in the case of an offence under clause (*e*) or (*f*) of the same section, the offender is transporting, importing, or

exporting any opium exceeding the quantity (if any) which he is permitted to transport, import or export, as the case may be, the whole of the opium which he is transporting, importing or exporting;

(*d*) where, in the case of an offence under clause (*g*) of the same section, the offender has in his possession any opium other than the opium in respect of which the offence has been committed, the whole of such other opium, and

(*e*) the vessels, packages, and coverings in which any opium confiscated under the same section is found, and the other contents (if any) of the vessel or package in which such opium may be concealed, and the animals and conveyances used in carrying it,

shall be liable to confiscation.

Order of confiscation by whom to be made.

13. When the offender is convicted, or when the person charged with an offence in respect of any opium is acquitted, but the Magistrate decides that the opium is liable to confiscation, such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Act, the officer adjudging it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence against this Act has been committed, but the offender is not known or cannot be found, or when poppies or opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector of the District or Deputy Commissioner, or by any other officer authorized by the Local Government in this behalf, either personally or in right of his office, who may order such confiscation: Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated, or without hearing the persons (if any) claiming any right thereto and the evidence (if any) which they produce in support of their claims.

Power to enter, arrest, and seize, on information that opium is unlawfully kept in any nclosed place.

14. Any officer of any of the departments of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable, who may in right of his office be

authorized by the Local Government in this behalf, and who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that opium liable to confiscation under this Act is manufactured, kept or concealed in any building, vessel or enclosed place, may, between sunrise and sunset,

(*a*) enter into any such building, vessel or place;

(*b*) in case of resistance, break open any door and remove any other obstacle to such entry;

(*c*) seize such opium and all materials used in the manufacture thereof, and any other thing which he has reason to believe to be liable to confiscation under section twelve or any other law for the time being in force relating to opium, and

(*d*) detain and search, and if he think proper arrest, any person whom he has reason to believe to be guilty of any offence relating to such opium under this or any other law for the time being in force.

Power to seize opium in open places.

15. Any officer of any of the said departments may

(*a*) seize in any open place, or in transit, any opium or other thing which he has reason to believe to be liable to confiscation under section twelve or any other law for the time being in force relating to opium,

Power to detain, search, and arrest.

(*b*) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and, if such person has opium in his possession, arrest him and any other persons in his company.

Searches how made.

16. All searches under section fourteen or section fifteen shall be made in accordance with the provisions of the Code of Criminal Procedure.

Officers to assist each other.

17. The officers of the several departments mentioned in section fourteen shall, upon notice given, or request made, be legally bound to assist each other in carrying out the provisions of this Act.

18. Any officer of any of the said departments who, without reasonable ground of suspicion, enters or searches, or causes to be entered or searched, any building, vessel or place,

Vexatious entries, searches, seizures, and arrests.

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any opium or other thing liable to confiscation under this Act,

or vexatiously and unnecessarily detains, searches or arrests any person,

shall for every such offence be punished with fine not exceeding five hundred rupees.

Such fine, or any part thereof, may be paid to the person aggrieved.

19. The Collector of the district, Deputy Commissioner or other officer authorized by the Local Government in this behalf, either personally or in right of his office, or a Magistrate, may issue his warrant for the arrest of any person whom he has reason to believe to have committed an offence relating to opium, or for the search, whether by day or night, of any house, boat or place in which he has reason to believe opium liable to confiscation to be kept or concealed.

Issue of warrants.

All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure.

20. Every person arrested, and thing seized, under section fourteen or section fifteen, shall be forwarded without delay to the officer in charge of the nearest Police-station; and every person arrested and thing seized under section nineteen shall be forwarded without delay to the officer by whom the warrant was issued.

Disposal of person arrested or thing seized.

Every officer to whom any person or thing is forwarded under this section shall, with all convenient despatch, take such measures as may be necessary for the disposal according to law of such person or thing.

21. Whenever any officer makes any arrest or seizure under this Act, he shall within forty-eight hours next after such arrest or seizure

Report of arrests and seizures.

make a full report of all the particulars of such arrest or seizure to his official superior.

Procedure in case of illegal poppy-cultivation.

22. In the case of alleged illegal cultivation of the poppy, the crop shall not be removed, but shall, pending the disposal of the case, be attached by an officer superior in rank to a peon or constable, who may in right of his office be authorized by the Local Government in this behalf; and such officer shall require the cultivator to give bail in a reasonable amount (to be fixed by such officer) for his appearance before the Magistrate by whom the case is to be disposed of, and such cultivator shall not be arrested unless within a reasonable time he fails to give such bail:

Provided that, wherever Act No. XIII of 1857 (*An Act to consolidate and amend the law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal*), or any part thereof, is in force, nothing in this Act shall apply to such cultivation and manufacture.

Recovery of arrears of taxes and opium-revenue.

23. Any arrear of tax, fee or duty due under this Act or under any rule duly made under section eight,

and any arrear due from any farmer of opium-revenue,

may be recovered as if it were an arrear of land-revenue.

SCHEDULE.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
Act XI of 1849 ...	Abkári Revenue of Calcutta.	In section 5, the word "opium." In section 6, the word "opium" and the last thirty-one words. In section 15, from and including the words "except in the case," to the end of the section.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—(*Continued.*)

Number and year.	Subject.	Extent of repeal.
Act XI of 1849.—*contd.*		In section 33, from and including the words "except opium" down to and including the words "each seer;" and the words "or in the case of opium as aforesaid, a reward of one rupee eight annas for each seer.
Act III of 1852 ...	Spirituous liquors, Bombay ..	Section 10, so far as it relates to opium.
Act XXI of 1856...	Bengal Abkárí Act ...	In section 28, the word "opium."
		Sections 34, 51, 52, 53, and 87.
		In section 35, the words "or opium."
		In section 49, the words "except opium."
		Section 59, so far as it relates to opium;
		In section 75, the words "except opium," and from and including the words "opium seized," down to the end.
		In section 76, from and including the words "except opium," down to and including the words "each seer;" and from and including the words "or in," down to and including the words "each seer."
		In paragraph 8 of section 90, the words "and opium."
Act XIII of 1857...	Cultivation of the poppy and manufacture of opium ...	Section 2.
Act X of 1871 ...	The Northern India Excise Act ...	In paragraph 5 of section 3, the word "opium."
		Sections 18, 65, 66, 67, and 87.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.—*(Concluded.)*

Number and year.	Subject.	Extent of repeal.
Act X of 1871.—*contd.*		In section 19, the words "or opium."
		Section 46, so far as it relates to opium.
		In section 46, paragraph 3, from and including the words "as well as," down to and including the words "dealings in opium."
		In section 63, the words "except opium."
		In section 78, the words "except opium," and paragraph 2.
		In section 79, from and including the words "except opium," down to and including the words "each seer," and from and including the words "or in," down to and including the words "each seer."
Act IV of 1872 ...	The Panjáb Laws Act.	Section 49.
Act XXVI of 1872.	Panjáb Opium Law Amendment.	The whole Act.
Act VI of 1873 ...	Transhipment of goods.	Section 7.
Act XVI of 1875...	The Indian Tariff Act.	Section 9.

BOMBAY REGULATIONS.

Number and year.	Subject.	Extent of repeal.
Bombay Reg. XXI of 1827 ...	Duty on opium ..	The preamble, from and including the words "with the combined," down to and including the words "be prohibited."
		Chapters I, II, III, and IV.
Bombay Reg. XX of 1830 ...	Malwa opium ..	So much as has not been repealed.

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